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EDITORIAL ANNOUNCEMENT.

No private pursuit in any field of commerce can be safely undertaken today without full assurance of adequate legal service competent to protect and support all the diverse transactions associated with modern trade.

More than ever is this statement true of the foreign trade where Americans undertake public works, or the sale and purchase of merchandise, under circumstances that bring their fortunes within the jurisdiction of foreign courts or make them subject to the foreign law.

The overseas commerce of the United States has ceased to be a subsidiary of the domestic trade. One result of the World War is absolutely clear—the United States has become a great world nation with a voice in the future destinies of the globe, and with a firm footing in the world market.

To keep in touch with the flood of changes in laws and regulations resulting from the World War and to provide a medium for a discussion of the legal problems connected with the foreign trade, is the aim of the present publication. Our journal would not only aim to stimulate the study of international private law among American lawyers, but would also attempt to serve as a practical source of information for all business firms and organizations interested in foreign trade.

France and Germany have long sponsored and supported similar publications. Their periodicals helped French and German merchants to profit by the latest information as to the legal status of their business abroad. The legal discussion carried on the pages of these publications clarified many disputed points in the practice and theory of foreign trade laws. As a result, instead of groping in the dark, a way was open for a certain and intelligent manner of starting and extending the overseas enterprises of their native lands.

The editorial staff of the Journal of Conational Law is firmly convinced that it is high time for the English speaking world to have a journal of its own dealing with foreign law matters. And in undertaking this task, our staff is proud to accept all the hardships of pioneering. These hardships it hopes to overcome with the aid and good will of all those who have at heart the interests and the development of the foreign trade of their home states.

WHY A NEW NAME?

The selection of a proper nomenclature for the branch of law commonly known as "Conflict of Laws" or "International Private Law" is not a new subject for discussion amongst the jurists. The very fact of its continual recurrence shows conclusively that the present state of affairs is not a happy one, that a definite solution must be found and that such final settlement of the matter in question is a necessity not to be minimized or laid aside as unimportant. On the other hand, no period in the history of international intercourse of private individuals and the expansion of their activities throughout the world was as ominous for the growing magnitude and the importance of the body of legal rules concerned with these relations, as the years that will pass after the Great World War of 1914-1919.

The sphere of state relationship is on the threshold of very important changes. We may finally have a system of rules whose right to be called strictly "laws" no one could dispute, instead of what John Austin termed "international morality". From two entirely different quarters attempts are being made to regulate the relationship of states by setting up a supreme state authority. One is the plan establishing the League of Nations—another an attempt to set up a Labor International ruling the proletarian states throughout the earth. Either, if succeeds, if not at once, then in not a very distant future, will result in the introduction of a new body of administrative rules and practices that will supersede the present public international law. But the same state of affairs that will affect, probably injuriously, the public international law, by bringing closer commercial and cultural relations between the citizens of various states, will entail a new and a more glorious era in the growth and expansion of the body of rules known as international private law.

Facing this development, the latter branch of law stands saddled with a name or names both antiquated and wholly inappropriate. They either raise a conception entirely adverse to the real effect of the legal rules supposed to be explained by these names or made an entirely independent branch of law an appendage of a body of rules, whose very status in the legal systems is a matter of grave dispute and whose very existence is threatened by the course of political events to which we have alluded above.

It would be well, before proceeding to offer any new suggestions, to briefly review the main names suggested and used for the international private law. Let us commence with the term well known to Anglo-American jurists—"The Conflict of Laws". The objections to it are well summed up by A. V. Dicey ("A Digest of the Law of England with reference to the conflict of laws" 1908 p. 13):

"The defect, however, of the name is that the supposed "conflict" is fictitious and never really takes place . . . . . The term "conflict of laws" has been defended on the ground of its applicability not to any collision between the laws themselves, but to a conflict in the mind of a judge on a question which of two systems of law should govern a given case. This suggestion gives, however, a forced and new sense to a received expression. It also amounts simply to a plea that the term "conflict of laws" may be used as an inaccurate equivalent for the far less objectionable phrase "choice of law".

The next most common name applied to the body of legal rules here under discussion is that of "Private International Law" or "International Private Law" (L. V. Bar's Theory & Practice of International Private Law 2nd. d. p. p. 7, 8).

"Such a phrase would mean (T. E. Holland "The Elements of Jurisprudence" (10th ed. p. 401) in accordance with that use of word "international", which besides being well established in ordinary language is both scientifically convenient and etymologically correct "a private species of the body of rules which prevails between one nation and another". Nothing of this sort is, however, intended and the unfortunate employment of the phrase, as indicating the principles which govern the choice of the system of private law applicable to a given class of facts, has led to endless misconception of the true nature of this department of science."

Mr. A. V. Dicey aptly adds ("The Conflict of Laws" 1908, p. 14) that "It confounds two classes of rules which are generally different from each other. The principles of international law, properly so called, are truly "international" because they prevail between or among nations; but they are not in the proper sense of the term "laws" for they are not commands proceeding from any sovereign. On the other hand, the principles of private international law are "laws" in the strictest sense of that term, for they are commands proceeding from the sovereign of a given state . . . . . such ambiguity of language, unless fully acknowledged, must lead as it has lead, to confusion of thought."

Moreover, this definition is supposed to cover also criminal law which is not "private" law, but a part of public national law.

Less common are the following expressions: "comity", "intermunicipal law", "polarized law". "Thus the term "comity" (A. V. Dicey, ibidem, p. 15) is open to charge of implying that a judge when he applies foreign law to a particular case does so as a matter of caprice or favor . . . . . The application of foreign law (ibidem p. 10) is not a matter of caprice or option; it does not arise from the desire of the sovereign of England, or any other sovereign to show courtesy to other states. It flows from the impossibility of otherwise determining whole classes of cases without gross inconvenience and injustice to litigants, whether natives or foreigners."

"The Intermunicipal Law" suggested by Mr. F. Harrison (On Jurisprudence and the Conflict of Laws (1919) p. 131) as T. E. Holland remarked (Elements of Jurisprudence (10 ed.) p. 410) "is surely no improvement, since "municipal" in accordance with established use, is either equivalent to "national" or relates to civic organization."

"Polarized law" is a modern attempt to give a name to this branch of law (See T. Baty's "Polarized Law" (1914 Preface at p. VI). No matter what may be said of this name it is wholly fanciful and has no legal conception whatever for its basis.

E. T. Holland's definitions of "the extra-territorial effect of law" and "the extra-territorial recognition of rights" as Professor Dicey (Conflict of Laws (1908) p. 15) pointed out "are descriptions, not names". Besides, these descriptions are hardly correct without addition of the words "civil and criminal" before "law" or "rights". The courts in adjudicating on many matters of public international law are according in fact a recognition to extra-territorial rights.

In the face of these repeated failures to devise a new name for this body of rules it would be well, prior to making an attempt for a new definition, to pause and to examine the requisites of a legal definition we are in search for.

The legal definition in question must not confuse the body of rules it strives to name with the definition of any existing other body of laws. It must not, further, trespass upon any of the established terms of the legal science by straining them or attributing to them a new and entirely unknown meaning. So much for its negative qualities. Its positive qualities should include shortness and an indication of some distinctive legal characteristic inherent in those

rules and wholly absent or at least not specifically distinguishable in any other branch of Jurisprudence. It would be easily observed that up to the present time every jurist in attempting to devise a nomenclature for our body of rules has dwelled on a contrast between different systems of laws (*conflict of laws*) or upon the collision between various jurisdictions (*inter*national private law, *inter*municipal law). True, this is an important feature of this body of rules. However, no definition of any branch of law is all-embracing. Both real and personal property laws include a number of legal conceptions which are both real and personal or quasi-real and quasi-personal. Public international law includes prize law, which brings before a national tribunal a private individual on a dispute involving his private property. Penal laws, despite their public nature, comprise proceedings by private injured parties or informants and so on. So that if this contrarious effect of the body of rules in question is only one of its characteristics, it may well be left alone, for evidently all attempts to define these rules on the basis of such characteristic proved themselves completely barren.

However, we doubt if the rules in question have such contrarious or opposite effects at all. The matter in our opinion has been sufficiently disposed off above when the corresponding definitions were discussed.

There remains something to be said of the "extra-territorial recognition of rights" This characteristic, if a characteristic at all, the body of the rules under examination must needs share with public international law. For when the courts discuss a status of a foreign ambassador, or a foreign consul, or a foreign vessel, they also consider the effects of extra-territorial rights of a foreign sovereign. True, that in the case of international public law the jurisdiction of the local court is terminated through the effect of extra-territorial rights, while in the case of international private law this jurisdiction is extended and the effect of foreign law is considered by the local court. However, even in the latter instance, the local court need not always administer foreign law since by the operation of the doctrine of re-reference(renvoi) it may find itself applying its own local law. So that the extra territorial nature of these rules is not so exclusive as to claim part in the requisite definition.

It is clear that the branch of law in question is a part of national law of each and every sovereign state as contradistinguished from the international law of such state. We have grown to understand the term "national" law in this sense and not in the sense of "public" law alone as Professor Harrison (On Jurisprudence and the Conflict of Laws p. 131) insists it implies. The Roman law might have viewed these two terms as similar, but there is no confusion on the point in a mind of a modern jurist. Professor Harrison's use of the term "municipal" in a Roman law sense lead him to adopt his definition, which might have been, indeed, a correct one in Rome. Our modern system of law knows of a special branch of administrative or police law concerned with municipal or city rights and duties, and makes the introduction of otherwise admirably well chosen definition entirely confusing and impractical.

Yet, this branch of law does own a distinctive characteristic not possessed by any other body of rules. As early as 1837 Rocco (Dell uso e autorita delle leggi del Regno delle Due Sicilie considerate nelle relazioni con le persone e col territorio degli Stranieri pp. 120, 253) spoke of this branch of law as "*Mutua* compiacenza".

"States," says Sir Robert Phillimore (Commentaries upon International Law (1889) Vol. IV. p. 4) . . . . have tacitly agreed to recognize and adopt certain *common* rules and maxims of jurisprudence both civil and criminal, with respect to individual foreigners sojourning within their territory, and with respect to the operation therein of the laws of foreign state."

Professor Harrison (On Jurisprudence and the Conflict of Laws (1919) p. 147) said in 1878 "If it be, as I think, idle to dream of an Intermunicipal Code common to all civilized nations, even such an one as we might fairly anticipate for International Law, still the tendency of municipal systems to *converge on this ground common to them all* is very largely seen as a fact, and may be indefinitely increased."

Professor Holland (Elements of Jurisprudence 10 ed. p. 409) declares that "the state in making that law is guided not by law, but by *an expectation of reciprocity,* or by general considerations of equity."

Professor Dicey (Conflict of Laws (1900) p. 12) "This likeness is increased by the fact that the object aimed at by the courts of different countries in the adoption of rules as to the extra-territorial effect of law is everywhere in substance one and the same . . . . . *This community* of the aim, pursued by the Courts and Legislatures of different countries, *lies at the very foundation of our subject.* It is of itself almost enough to explain *the great similarity* between the rules as to the choice of law adopted by different countries."

F. C. Von Savigny (A Treatise on the Conflict of Laws, W. Guthrie's ed. (1869) p. 27) speaking of the increased intercourse between the different nations says: "This has resulted from that *reciprocity* in dealing with cases which is so desirable, and the consequent equality in judging between natives and foreigners, which, on the whole, is dictated by the *common interest* of nations and individuals. For it is the necessary consequence of this equality, in its full development, not only that in each particular state the foreigner is not postponed to the native (in which equality in the treatment of persons consists) but also that in cases of conflict of laws, *the same legal relations have to expect the same decision,* whether the judgment be pronounced in this state or in that."

F. Wharton (A Treatise on the Conflict of Laws (1872) p. 32) says: "Persons . . . . . can only claim to be invested with the law of such domicil, to the extent to which it is consistent with *the common* law of Christendom, *which is the basis of private* international law."

Rodenburg puts it thiswise: "Quid igitur rei in causa est, quod personalia statuta territorium egrediantur. *Unicum hoc ipsa rei natura* ac necessitas invexit, ut cum de statu et conditione hominum quaeritur uni solum modo judici, et quidem domicilii, universum in illa jus sit attributum." (Rodenb. de Stat. Diversit. tit 1, c. 3 par. 4: Bullenois App. p. 8).

Bouhier seems to be of the same opinion: "On peut donc dire, que cette extension est sur une espece de droit des gens, et de bienseance, en virtu duquel les differens peuples sons tacitement demeures d'accord, de souffrir cette extension de coutume a coutume, toutes les fois que l'equite et *l'utilite commune* le demanderoient" (Cout. de Bourg. ch. 23, Par. 63 p. 467).

Judge Story commenting on the above two citations says (Commentaries on the Conflict of Laws (3d ed.) p. 46) "The very terms, in which its doctrine is commonly enumerated, carry along with them this necessary qualification and limitation of it. *Mutual* utility presupposes, that the interest *of all nations* is consulted, and not that of one only."

Von Bar affirms that "It can be demonstrated that there is to certain extent a real *communis consensus* of Civilized States, a true law of custom . . . . . We cannot admit the objection, therefore that there can be no such thing as a general law of custom, with reference to the rules of private

law, *for the whole* of the civilized world" (pp. 5-6 Private International Law 2d Eng. ed.)

P. Fiore (Le Droit International Privé (1907) Vol. 1 p. 7), after declaring for the attainment of uniformity of this kind of law everywhere, proceeds: "Du reste, *certains principes communes* . . . . . ont déjà été admis par la majorite des États civilisés, et l'on peut avec raison esperer que dans un temps plus ou moins rapproché, on verra ces mêmes États admettre les meilleurs pour résoudre les conflits des lois d'États différents."

It is evident, therefore, that the distinctive characteristics of this branch of law are two: it is a part of the national law of every sovereign state and includes portions both of its civil or private law and its criminal or public law. At the same time it possesses a remarkable feature not shared by any other branch of national law in being already in part and tending as a whole to become similar in substance to the like branches of law in other states.

This fundamental trait of the branch of law under discussion is not merely a passing phase, but a permanent aim fixed for achievement. In fact, in 1888-1889 seven South American States held a congress at Montevideo which drew up rules intended for adoption by treaty between these states. Official representatives of nearly all European powers held conferences at Hague, which led to the adoption of conventions on international private law—one of the 14th of November 1896, three of the 12th of June 1902, and four of the 19th of July 1905. France, Germany, Italy, Netherlands, Portugal, Rumania and Sweden are parties to all the conventions—Luxemburg, Russia and Spain to those relating to judicial procedure and all the ten, Russia excepted, but with Austria, Belgium and Switzerland added, are parties to those on the validity of marriage, divorce and judicial separation, and the guardianship of minors. All the conventions remain open to ratification by all or any powers.

This reciprocity, mutuality, community of our branch of law—parallelism, as we would like to term it—etymologically is usually expressed by a prefix "co". Webster's dictionary defines this prefix as implying with various words —"joint," "common," "mutual". Murray's New English dictionary tells that "co" in general sense is "in common," "justly," "equally," "reciprocally," "mutually".

It is the object of the present article to submit for the consideration of the legal profession a new name for what has been commonly known as "international private law" and what, it is hoped, will be termed in the future—"Conational Law".

The Conational law is that body of the national legal rules which either by legislative enactment, or through judicial action, is reciprocal with and tends to become common to all the national legal systems of the world. Etymologically it means a body of common, mutual, or reciprocal national laws. *Borris M. Komar.*

NEW BRITISH TRADE-MARKS ACT.

The Royal assent to the bill was given on December 23, 1919, and it came into force on April 1, 1920.

The amendments of the trade-marks law contained in this act may be briefly summarized under three heads:

1. Amendments having for their object the provision of facilities for the registration in the United Kingdom of marks which, although not registrable under existing legislation, are, nevertheless, common-law marks and could be protected in the form of action known as a "passing-off action." (Sections 1-5.)

2. Amendments having for their object the prevention of the abuse of word trade-marks, such abuse consisting in the use of the trade-mark owner of his word mark not for its proper purpose of distinguishing the goods of the trade-mark owner from the goods of other persons, but for the purpose of giving a name to an article, and thus under the protection of the trade-mark law obtaining in fact a perpetual monopoly of the manufacture of the article. (Section 6.)

3. Minor amendments to the trade-marks act, 1905. (Sections 7-13.)

The existing trade-marks act of 1905 defines in section 9 the necessary characteristics of a registrable trade-mark, and the limitations placed by this section on registration necessarily exclude a large number of marks which are and will continue to be actually used in trade and commerce. Such trade-marks so far as they in fact indicate a definite proprietorship would be protected by the common law, and it will be a considerable advantage to the trading community to have these marks collected and properly classified. Under the new scheme, though they will not have the special remedies accorded to trade-marks under section 9 of the principal act, they will be considered as registered marks, and the registration will be regarded as prima facie evidence of ownership. Apart from this advantage the proposal will, it is hoped, facilitate registration of British marks in foreign countries.

Most foreign countries require as a condition precedent to registration in their country that persons who are not subjects of their State shall prove that they have obtained registration in their country of origin. Many very valuable marks which are, in fact, distinctive of a particular trader's goods, can not at present be registered as trade-marks in the United Kingdom, as already pointed out, and can not therefore be registered as trademarks by British subjects in foreign countries. In the case of many such marks, traders abroad have actually registered the marks in foreign countries as their own trade-marks and have used them to pass off their own goods as the goods of the British manufacturer. They have even endeavored by means of such registration to restrain the importation of British goods bearing the marks of the true British proprietor who was responsible in the past for their creation and value. Sections 1 to 5 of the act contain a complete scheme for the registration of such common-law trade-marks.

Section 1 provides that for this purpose a new part of the Trade-Mark Register, to be known as Part B, shall be opened wherein such marks shall be registered.

Section 2 provides for the registration of all such marks which have been bona fide used in the United Kingdom for a period of not less than two years. Power is reserved to the registrar after such search as he may deem necessary, to refuse the application for registration on certain specified grounds or to accept it subject to such conditions, amendments, or limitations as he may think right to impose. An appeal lies from the registrar's decision to the court.

Section 3 applies certain provisions of the principal act to the marks registrable under this act. These provisions are necessary to provide machinery for opposition and other proceedings before the Patent Office.

Section 4 provides that the entry of a mark in part B of the Register shall be merely prima facie evidence that the owner has the exclusive right to the use of the mark, and the only power that the owner of such mark will have in the United Kingdom will be such powers as he would have had in a passing-off action, except that the onus of proving that the mark has not been infringed has been placed upon the defendant.

Section 5 allows the registrar when he is considering an application to register a mark under the principal act in part A of the Register, and is of opinion that such applica-

tion should be refused, instead of absolutely refusing to register the mark under part A of the Register, to treat it as an application under part B, and proceed accordingly.

The provisions of the above-mentioned sections will, in the opinion of the board of trade, enable British trade-mark owners to obtain protection for their marks in foreign countries, and will, at the same time, be a more or less complete record of marks in use in the United Kingdom. As regards common-law marks so registered in part B, substantially no greater rights in the United Kingdom will be acquired by registration than are at present capable of being enforced in a passing-off action.

Section 6 has for its object the remedying of the abuse of the trade-mark law referred to under head above. The proper function of a trade-mark is to indicate that the goods upon which it is used are the goods of a certain trader by virtue of manufacture, selection, sale, etc. The name by which an article is commonly known, without any reference to its origin, is not a proper registrable trade-mark, and the courts have on many occasions removed such marks from the Register. The evils resulting from the possession of any monoply in the name of article have been most conspicuous in the case of drugs, and in particular drugs which were originally protected by a patent. It is a well-known principle of law that the name of a patented article can not be protected as a trade-mark. Otherwise the rights of the public to manufacture the article after 14 (now 16) years might be practically destroyed if they were unable to use the name by which alone the patented article has been known and sold.

The section deals only with the more conspicuous examples of the abuse described, viz. the use of the name of a patented article as a trade-mark after the expiration of the patent, and the use as a trade-mark of the name or only practical description of a single chemical elementary compound, and provides for the removal of such marks from the register by application to the court of any person aggrieved. In the case of marks registered before the passing of the act, no application for the removal of the mark will be entertained for four years from the passing of the act.

Section 7 transfers from the Board of Trade and the court to the registrar the power to determine the distinctiveness of marks other than those referred to in paragraphs 1 to 4 of the section. The change will simplify and cheapen the procedure.

Section 8 transfers the right of appeal in matters which involve legal interpretation of the acts from the Board of Trade to the court. It further gives the court power to exercise the same discretion in dealing with cases as is now exercilsed by the registrar. Registrar dissatisfaction has been caused in recent years by the fact that on appeal from the registrar the court has in certain cases avoided a direct decision on the merits of the case, and has rejected appeals on the ground that the registrar has exercised a discretion which should not be interfered with. The court will now have the fullest power of revision and appeal.

Section 9 gives to the registrar an original jurisdiction to rectify the Register. This will enable any marks which have ceased to be used to be removed from the Register. Many such marks remain on the Register at presnt owing to the unwillingness of traders to incur the expense of applying to the court to remove them. Power is also given to the registrar to direct a trade-mark entered in Part A of the Register to be removed to Part B.

Section 10 remedies a defect of the 1905 act, which does not give the registrar the power which he should have to deal with the costs of all proceedings before him.

Section 11 makes it compulsory to register all assignments of trade-mark. A similar clause appears in the patents and designs act. It is just as essential that the public should be informed of the true owner of a trade-mark as it is that they should know the real proprietor of a patent or design.

The second schedule to the act deals with minor amendments which the administration of the act of 1905 has shown to be desirable.

RECENT AUSTRALIAN TARIFF.

The long expected revision of the Australian tariff entered the legislative stage on March 25, when the bill was introduced and went into effect provisionally, pending its discussion in Parliament. The new schedule differs only slightly from the old schedule as far as the wording is concerned, but the new measure provides for three sets of tariff rates, the British preferential to be applid to imports from the United Kingdom, the intermediate to be granted upon conclusion of reciprocity treaties, and the general to be applied to all countries not entitled to either of the other tariffs. In this respect the new Australian tariff resembles the tariff of Canada, which has been in effect since 1907. No official statement in regard to the extension of the preferential tariff to other parts of the British Empire has as yet appeared, but from an unofficial statement in the London Times it would seem that it is intended to withhold preferential treatment from British dominions with a lower economic standard than that prevailing in Australia. In general, the difference between the general and the preferential tariff is 10 percent ad valorem, and between the intermediate and the other two tariffs, 5 per cent ad valorem. In some cases the difference is much greater. This is especially true of the tariff items relating to scientific instruments, for which the preferential reduction is generally 20 per cent ad valorem.

The new tariff is in many respects far more protective than its predecessor. The chief object of the present revision, as stated by the prime minister during the recent campaign, is "to protect industries born during the war and to encourage others that are desirable and will diversify and extend existing ones." It will be remembered that by the proclamation of November 1, 1919, the Australian Government restricted the importation of a number of articles, with a view to giving them additional protection pending the preparation of a new tariff measure. The list of articles subject to restriction was made up largely of products of industries created or expanded during the war, and it is noted that the new tariff provides considerable increases in duty on such articles. The import prohibitions are to be withdrawn on May 13. The textile and metal schedules contain some of the largest increases, while certain chemical products, such as coal tar derivatives, alcohol., etc, have also been singled out for additional protection. In the case of certain iron and steel products, like tin plate, corrugated galvanized plates and sheets, tubes, and pipes, and sewing machines, higher duties are provided for to take effect July 1, 1921, or January 1, 1922, when the industries affected are to be established in Australia.

CONCESSION PROCEDURE IN RUSSIA.

The information now available concerning the resumption of trade and business relations with Russia, seems to point out to a reasonably near approach of normal conditions. The commercial relations apparently are to be confined to governmental sales and purchases. Industrial enterprises by foreigners in Russia on the other hand would be naturally limited to the undertakings, the development of which will be specifically permitted to them by Russian

government. The legal procedure in the latter instance may be surmised from the only example at hand. On February 4, 1919, the Council of People's Commissaries has granted concession to Mr. Borisov, a Russian, and to Mr. Hannevig, a Norwegian, for the building of a railroad in the North of Russia and for the exploitation of forest and mineral resources there.

On granting the concession the Council laid down the following principles to serve as guides in the future on similar occasions:

1. The granting of concessions to the representatives of the foreign capital is deemed desirable in principle in all those cases when only by these means it is possible to develop productive resources of the country.

2. The concession itself must be proved to be a useful undertaking for Russia and be besides, capable of practical realization.

The petition for a grant of a concession with all the plans and explanations is first of all submitted to a special committee formed at All-Russian Council of Public Economics. This committee is aided by special representatives of People's Commissariats of Finance, Justice and War, as well as those of All-Russian Council of Trade Unions. Within two weeks the committee is supposed to report on the concession submitted to it.

Secondly, the Commissariat of War has to report on the concession from military and strategic points of view. Two weeks are given for the preparation of this special report.

Thirdly, the concession and the reports thereon are discussed at a general meeting of the All-Russian Council of Public Economics, which afterwards forwards all the matter with its opinion thereon to the Council of People's Commissaries.

Fourthly, the Council of People's Commissaries either approves or disapproves the grant of a concession.

Financial terms of the concession seem to provide exploitation of forests for varying periods of time beginning with forty-eight years and ending with eighty. All the timber cut is charged with five per centum tax in favor of the government of Russia calculated on the basis of current quotations on London market. Mining rights are granted on payment of a royalty of one kopek per thirty-six pounds of ore mined irrespectively of the kind of the ore. Banking is permitted but cash loans on interest are excluded from the scope of bank's activities.

No income or industrial taxes are provided for, but foreign enterprises are to pay to the Russian government twenty-five per centum of their total net profits.

The Council of People's Commissaries has also announced that to expedite the matters relating to a grant of a concession and to get a more favorable consideration it is necessary to show proofs to the effect that the concessionairs are backed by allied or neutral concerns of such standing as to assure the carrying out of the plans comprised in the concession. The ability of the firms in question to finance the undertaking, to supply all the necessary machinery and material and to complete undertaken construction is particularly inquired into.

NEW LAWS AND REGULATIONS

BELGIUM.

Insurance Policies with Germans.

"Le Moniteur Belge" publishes the text of a law by which life insurance policies of German companies in favor of Belgians are canceled as of April 10, 1920. These policies have been taken over by the Belgian Government, which will confide their execution and control to a bureau attached to the Ministry of Industry, Labor, and Ravitaillement.

BOLIVIA.

U. S. Gold Dollar-Legal Tender.

The Bolivian Congress has passed a law making the United States gold dollar tender in Bolivia, and the executive has fixed the rate of exchange at 2.57 bolivianos to the dollar.

GREAT BRITAIN

Trading With Germany.

Board of Trade has issued new instructions and regulations for the conduct of business with German nationals:

> Trade with Germany is in general no longer subject to any restrictions other than those imposed on trade with other foreign countries. Any goods may be exported to Germany without license, except goods on lists A and B of prohibited exports and any goods may be imported into the United Kingdom from Germany except goods on the importation of which from all countries restrictions have been or may be imposed. The following considerations must. however, be borne in mind in transacting business with German nationals:
>
> (a) The property, rights, and interests within the date on which the treaty of peace came into force (namely January 10, 1920), unless acquired as the result of a transaction undertaken since the resumption of trade with Germany was authorized (i.e., since July 12,1919), are subject to charge under the treaty of peace order, 1919, and no transaction of a commercial or financial nature is therefore permissible which involves the delivery, sale, or transfer of any such property, rights, or interests.
>
> (b) The settlement of all outstanding debts between British subjcts resident within the United Kingdom and German nationals resident in Germany, with the exception of debts arising out of transactions undertaken since July 12. 1919, must be effected through the medium of the Clearing Office for Enemy Debts, and any transactions involving the settlement or transfer of such debts is prohibited.

Subject to such restrictions as may be imposed by the German authorities, individuals and firms of British nationality are at liberty to invest money in German businesses and to establish firms or agencies in Germany.

Restrictions on Former Enemies.

The freedom to trade, to carry on business, and to acquire property, in the United Kingdom is limited by the following special restrictions imposed on nationals of Germany, Austria, Hungary, Bulgaria, and Turkey:

> (a) For a period of three years from December 23, 1919, no national of the above-mentioned countries may enter the United Kingdom without a special license or remain in this country for a longer period than three months, except as provided in section 10 of the aliens' restrictions (amendment) act, 1919.
>
> (b) For a period of three years from Decebemr 23. 1919, no national of the above-mentioned countries will be permitted to acquire any interest in land, in any concern carrying on a "key industry," or in any company owning a ship registered in the United Kingdom. (Vide Section II, aliens' restriction (amendment) act, 1919.)
>
> (c) For a period of five years after the termination of the war, no business connected with certain nonferrous metals and metallic ores may be carried on by, or under the influence or control of, a national of the above-mentioned countries, except under license of the Board of Trade. (Vide nonferrous metal industry act, 1918, and nonferrous metal industry rules, 1918.)
>
> (d) For a period of five years after the termination of the war, and thereafter until Parliament may otherwise determine, no banking business may be carried on for the benefit or under the control of a national of the above-mentioned countries. (Vide section 2, trading with the nemy act, 1918, and enemy banking business rules, 1918.)
>
> (e) No national of the above-mentioned countries may act as master, officer, or member of the crew of a

British ship registered in the United Kingdom. (Vide section 12, aliens' restriction (amendment) act, 1919).

With the above reservations former enemies are at liberty to acquire shares or interest in British firms or companies and to establish business houses or agencies in the United Kingdom, subject only to the same restrictions as aliens of any other nationality.

Prices of Commodities.

The Food Controller made the following regulations governing the sales of the undermentioned goods in the United Kingdom:

Potatoes, growers' price £12.15.00 per ton free on rail rising from March 15 fortnightly to £14 in June.

Poultry: chickens retail	lb	2s.	8d.
" " wholesale	lb	2s.	2d.
" ducks retail	lb	2s.	3d.
" " wholesale	lb	1s.	9d.
Rice ordinary retail	lb		7 d
" Burma glazed retail			8 d
" ground No. 1, rice flour, flacked, retail	lb		7½ d
" packed in cartons, retail.	lb		8½ d

GREECE.

Monetary Regulations.

The Ministry of Finance at Athens according to the issue of "The Near East" of April 15, has recently issued the following statement: "Any person who imports money into Greece, not as fulfillment of payment due by any kind of obligation, is allowed to reexport the equivalent amount of the money imported. Also any person who, since January 27, 1920, has deposited, or will deposit, in a bank foreign exchange, is entitled to be refunded his deposit in the same exchange as it has been deposited."

HUNGARY.

Currency and Fiscal Measures.

The Hungarian Government in a decree issued March 18, orders the stamping of Austro-Hungarian bank notes circulating in Hungarian territory. This order is issued in conformity with a clause of draft of peace treaty and is effective with regard to all currency circulating in Hungary except following: Notes of 1 and 2 crowns issued by Austro-Hungarian Bank; notes of 5, 10, and 20 crowns issued by Hungarian Postal Savings Bank; falsifications of 25 and 200 crowns notes of Austro-Hungarian Bank printed by Bolshevist Government; and certain old notes which have been recalled by the Austro-Hungarian Bank, some of which are still in circulation. Every person, firm, corporation, or society in Hungary is obliged to present for stamping, between March 18 and 27, inclusive, all Austro-Hungarian bank notes in his or its possession or custody regardless of whose property such currency may be. Notes to be stamped ceased to be legal tender on 18th, and on or after March 28 it will be unlawful to demand or offer such notes in payment of debts or contracted obligations or to deal in them.

Fifty per cent of total of notes presented for stamping will be paid out in stamped Hungarian notes. For the remaining 50 per cent. the owner is given nontransferable certificates, later to be converted into nonnegotiable State obligations bearing 4 per cent. interest The decree provides that bonds may be used instead of cash in the payment of certain debts to the State, but can not be used, as far as can be seen from the law, for the payment of ordinary taxes. The decree states that, in the event of a future capital tax, the bonds will be received in payment thereof at face value, comformable to their nonnegotiable character, only from the person to whom they are now issued.

The decree further provides for a similar loan from owners of all forms of commercial bank accounts equal to 50 per cent. of the amount which their accounts have increased between January 15 and March 18, 1920. Savings accounts are practically unaffected by the law.

ITALY.

Income Tax Decree.

The decree of December 31, last, provides that capital which is abroad, including remittances of moneys made by emigrants which, on January 1, 1920 were deposited in Italy in credit institutions or in the postal savings bank, as well as such moneys which might be desposited after this date, are not subject to taxes. Foreign stock held by foreigners living within the Kingdom, as well as bonds of the Italian war loan, including the present ones, are also exempt, so long as they have been subscribed abroad or by foreigners who do not live in Italy; so long as these bonds are kept abroad, except for the formality of the necessary affidavit.

MEXICO.

Prohibition Law Repealed.

By law effective March 20, 1920, the manufacture and sale of al liquors, not containing over 25 per cent. of alcohol and not containing anise, are now permitted in Yucatan.

Fees for Registration of Trade-Marks.

A decree became effective April 1, 1920 amending the revenue law for the current years as regards the fees to be collected for the registration of trade-marks, commercial names, etc. as follows:

A fee of 20 pesos shall be collected for registration of a trade-mark, and a fee of 10 pesos for renewals of such registrations. For the publication of a commercial name, the fee is 10 pesos. The registry of a commercial advertisement may be made at the rate of 5 pesos for a period of 5 years; 10 pesos for 10 years; and 5 pesos for each renewal or registry.

NORWAY.

Automobile Prices.

The Norwegian Price Control Commissioner has limited the profits for dealers in motor vehicles to 15 per cent. on the first 10000 kronen, 12½ per cent. net. on the following 5000 kronen and 7½ per cent. on larger sums. This restriction is in force since February 15. The above percentage is calculated on cost, insurance, freight and duty.

Suspension of Gold Payments.

The Royal decree of March 19, 1920 suspends payments of gold specie by Norges Bank. It is, however, provided that the Bank may permit in its descretion sales for industrial purposes at bullion value.

PERU.

Fiscal Legislation.

Provisions for the withdrawal of the paper currency issued in Peru during the war have been modified by an act recently passed by the Assembly and approved by the President.

The following is a translation of this act and the provisions of former decrees which it affects:

When the international financial situation caused by the recent war shall have returned to normal, the President shall confer with the Junta de Vigilancia (the Government organization created to superintend the issue of the paper currency to the banks and to take charge of the guaranties required of them), and shall determine in what manner and at what times the following operations shall be carried out: (a) The withdrawal of the paper currency issued during the war. The original act sanctioning such issues provided for their retirement within six months after the end of the war. (b) The transfer to Peru of the gold deposited in foreign banks as guaranty of this paper currency. The act authorizing such deposits abroad decreed that they were to be transferred to Lima as soon as the gold-export embargo should be lifted by the United States and England, and that said gold was to be deposited in the Junta de Vigilancia to increase the gold guaranty of the paper currency. (c) The control of the delivery to the Junta de Vigilancia by the banks issuing paper currency of either gold or paper currency which would enable them to withdraw equal amounts from the gold guaranties deposited abroad. Such delivery had been sanctioned by the original act authorizing the deposit of the gold guaranties abroad.

Ratification of Trade-Mark Convention.

The Peruvian Congress ratified the Pan-American International Trade-Mark Convention on April 14, 1920. Including Peru, six South American countries have ratified the convention and only the ratification by one additional country is necessary to complete the number required for the establishment of the registration bureau at Rio de Janeiro.

POLAND.

Mark Made Legal Tender.

The official organ, "Monitor Polski," publishes the following decree of the Diet of January 15, establishing the Polish mark as the legal tender in all the territories of the Republic:

Article 1. The Polish mark is hereby made the legal tender in all the territory of the Republic.

Art. 2. In those parts of the Republic where the Austro-Hungarian crown was used as a legal tender, all payments are now to be made either in crowns or in Polish marks at the rate of 70 marks to 100 crowns.

Art. 3. All payments in Austro-Hungarian crowns can be made in Polish marks according to the above rate.

Art. 4. Any agrement in contradiction to these regulations with regard to payment due in crowns but paid in marks at a different rate than the current rate, or refusal to receive payment in marks, is prohibited.

Art. 5. Whosoever violates the above regulations, as contained in article 2, is liable to imprisonment for one year or a fine of not more than 1,000,000 marks. Any agreement concluded in opposition to these regulations is invalid. The district court, and eventually all courts of justice, can enforce these penalties.

Art. 6. The decree goes into effect on the day of its first publication.

Art. 7. The enforcement of the decree is intrusted to the Minister of Finances.

PORTUGAL.

Commercial Codes.

A ministerial decree of the Portugese Government authorizes the acceptation for international telegrams messages in the following codes: A B C Fifth edition, Ribeiro, Western Union, Lieber's, Bentley's Phrase Code (not including separate supplements), Broomhall's Imperial Combination Code (not including the special edition), Meyer's Atlantic Cotton 33A edition, Scott 10A edition, A. B. Riverside, Pari, Lugagne.

In addition to these, all other codes are authorized, which do not have combinations prejudicial to the interests of the Portugese Government, whose use is reciprocally admitted by other countries and a copy of which is deposited in the central telegraph office.

SPAIN.

Commercial Agreement with Greece.

"Gaceta de Madrid" for February 3, 1920, announces that the convention of commerce and navigation concluded under date of September 23, 1903, between Spain and Greece and denounced by the latter country with effect from February 20, 1920, is to be prorogued for periods of three months until further notice.

RECENT DECISIONS.

UNITED STATES*

ADMIRALTY.

A court of admiralty held to have jurisdiction of a suit in personam, although both parties resided in an adjoining district, where there was no evidence of want of good faith on the part of libelant his motive being to secure foreign attachment on a vessel then in the jurisdiction of the forum.—Cavanaugh v. Starbuck Towing Corporation, 261 F. 656.

BANKRUPTCY.

When the Bankruptcy Act of 1898 was enacted, there was no authorative construction of previous acts, whereby debts due foreign creditors were excluded from the bar of discharge, and the weight of the opinion was the other way, so that Bankruptcy Act 1898, par. 17a (U. S. Comp. St. par. 9601), providing that a discharge shall release all approbative debts duly scheduled, and section 65d (section 9649), referring in terms to claims of foreigners, will not be construed as excluding such claims from the bar of discharge.

Construing Bankruptcy Act 1898, par. 17a (U. S. Comp. St. par. 9601), as barring future recovery in this country of all properly scheduled debts owing to foreigners, is not so unjust as to lead to an inference that it was not intended, since it merely places foreign creditors upon an equality with domestic.— Moreney V. Landry 108 A. 855.

CONTRACTS

Every contract as to the validity and nature—the right, in contra-distinction to the remedy—is governed by the law of the place where made, unless to be performed in another place, when it is governed by the law of the place of performance.

The capacity of parties to contract is, with some few exceptions, determined by the law of the place with reference to which the contract is made, which is usually the place where made, unless it is to be performed in another place or country, and then by the law of that country.

Where a contract, invalid in the state where it is executed because of lack of contractual capacity of the parties, provides for performance in a state whose laws will uphold it, such provision is alone sufficient to evidence an intention to bring the contract within the laws of the latter state; the true criterion as to the governing law being the intention of the parties as to what law shall govern.—Poole v. Perkins, 101 S. E. 240.

When a party comes into court to enforce his remedy on a contract, that remedy will be enforced in accordance with the laws of the state regulating the remedy, and not according to the remedy of state where contract was made.—Shores —Mueller Co. v. Palmer, 216 S. W. 295.

Arkansas courts will, as Texas courts would, in a like controversry, apply the laws of Texas in determining the validity of a contract made and to be performed in Texas.—Buchanan—Vaughan Auto Co. v. Woosley, 218 S. W. 554.

Contract for sale of steel plates for export was not illegal, because thereafter a government embargo on such shipments was promulgated, whereit is not shown that either party intended to make shipment without government permit.—Commoss v. Pearson, 180 N. Y. S. 482.

A contract between citizens of the United States, made in 1916, for the purchase of German bonds, valid when made, was not destroyed by the severance of peaceful relations between this country and Germany, so as to give the purchaser a right to recover the amount paid for bonds not delivered, as money had and received.—Erdreich v. Zimmermann, 179 N. Y. S. 829.

CORPORATIONS.

Under Arkansas Const. art. 12, par. 11, the regulations, limitations, and liabilities imposed upon domestic corporations constitute the measure of the liabilities of foreign corporations.—Pekin Cooperage Co. v. Duty, 215 S. W. 715.

California Civ. Code, par. 405, 406, 408 and 410 prescribing conditions under which foreign corporations might do business within state, are clearly inapplicable to an action where they were all repealed before it was instituted, and before assignment of the contract of sale under which plaintiff claims was made.

The asignment to an Illinois piano company by a retail firm in San Francisco of an installment contract of sale, being outside the ordinary business of the Illinois piano company, held not to constitute doing business in California; the taking of a single assignment not being an intrastate transaction.

The burden is on the party pleading against plaintiff foreign corporation the bar of the statute prohibiting its doing business in the state without complying with the statute requiring filing of copy of articles of incorporation, etc., to show that the case comes within the terms of the statute.—W. W. Kimball Co. v. Read, 185 P. 192.

Contract by foreign corporation for purchase of real estate in Indiana to be used for conducting its business within the state held within Burns' Ann. St. 1914, par. 4085, as to foreign corporations, which have not complied with statutes of the state, not being allowed to transact business therein; the act of purchase not being within that class of cases denominated isolated transactions, and the doctrine of state comity not prevailing against section 4093.

Though vendor took shares of stock of foreign corporation in part payment of purchase price, and failed to take any steps to secure compliance by corporation with statute, compliance with which is a condition precedent to doing business within the state, the vendor did not waive, and is not estopped in action for specific performance from setting up as a defense, the corporation's noncompliance with statute.

* By courtesy of West Publishing Co., St. Paul, Minn.

Where foreign corporation, neither before nor after making a contract for purchase of real estate, complied with the statute relating to foreign corporations, though it transacted its business upon the real estate for more than a year, held, that plaintiff, to whom was transferred the corporation's rights and the contract, by one to whom the contract had been sold by the trustee in bankruptcy of the corporation, could not maintain action or specific performance.

Where foreign corporation fails to comply with statute giving it right to transact business within the state, a receiver or a trustee appointed to administer its affairs can not maintain an action on a claim arising therein.

Even if contract for purchase of real estate by a foreign corporation was an isolated transaction, or merely preliminary to the conduct of its principal business within the state, and for either reason not transacting business or exercising corporate powers within the meaning of Burns' Ann. St. 1914, par. 4085, the contract could not be enforced, in view of section 4094, where the corporation for more than a year transacted a coal business upon the real estate relating to foreign corporations doing business within the state.—Lowenmeyer v. National Lumber Co., 125 N. E. 67.

A transaction between a foreign corporation and a dealer in the state whereby the corporation undertook to carry on for the dealer's benefit what was designated as a "trade campaign", the amount of compensation to be received by the corporation being dependent on the amount of increase in the dealer's sales, constituted the doing of business within the state of Arkansas.

Where a foreign corporation doing business withing the state fails to file its articles of incorporation, not only the offending corporation but its assignee is prohibited from maintaining suit in the state without having first complied with the laws of the state.—Dean v. Caldwell 216 S. 31.

Where foreign corporation, with retail department store in another state, regularly and systematically purchased merchandise in New York, and paid resident buyer therein to look up available merchandise, and where its sole manager and 15 buyers made weekly trips to New York for purpose of buying goods, the contracts takingeffect in New York, because signed therein by its sole manager the corporation was doing business in New York.—Fleischmann Const. Co. v. Blauner's, 179 N. Y. S. 193.

Contract, whereby manufacturer sold certain goods to so-called "salesman" to be resold by the "salesman," was a contract for the sale of goods, and not a contract of agency; and, where it was entered into in manufacturer's state, it did not require manufacturer to comply with regulations concerning foreign corporations doing business in state of Arkansas in which salesman was to resell goods.—Shores-Mueller Co. v. Palmer, 216 S. W. 295.

Under New York General Corporation Law (Consol. Laws, c. 23), requiring foreign corporations to designate an agent on whom service may be made, service on such agent is good, although the cause of action sued on arose in another state.—Phialdelphia & Reading Coal & Iron Co. v. Kever, 260 F. 534.

An action by minority stockholder to compel restoration of assets diverted by managers of corporation to their own use, to restrain such misconduct in future, and for appointment of a receiver, may be maintained in Minnesota against officers transacting the corporate business therein, although the corporation is a foreign corporation.

In a suit by a minority stockholder for restoration of corporate assets diverted by corporation managers to their private use, etc., failure to limit, by order, the authority of receiver to possession and control of assets in Minnesota, where the corporation is a foreign corporation, in view of Gen. St. 1913, par. 7892, does not oust court of jurisdiction.—Tasler v. Peerless Tire Co. 174 N. W. 731.

Where defendant executed an undertaking on attachment in an action brought by a third person against plaintiff a foreign corporation, held, that recovery on the undertaking cannot be defeated on the ground that plaintiff was doing business in the state of New York without having complied with General Corporation Law, par. 15, 16, declaring that no corporation shall maintain an action in the state upon any contract made by it in the state, unelss it shall have procured a certificate ,etc., for the Legislature could only have intended to bar actions on contracts made by a foreign corporation within the state, and the undertaking, though contractual in its nature, cannot be considered an ordinary contract made by a foreign corporation in the state.

In an action by a foreign corporation on an undertaking on attachment executed by defendant in an action brought by a third person against the corporation, the answer, which alleged that the corporation was conducting business in the state without having complied with provisions of Tax Law, par. 181, but which alleged no facts, held insufficient to show such a noncompliance with the Tax Law relating to payment of license fees by foreign corporations as to prevent the corporation from maintaining an action on the undertaking.—Fairmount Film Corporation v. Amsterdam Casualty Co., 178 N. Y. S. 525.

Before a foreign corporation in Iowa is amenable to process to enforce a personal liability, in the absence of consent, it must appear that it is subject to the jurisdiction of the court of the state in such manner and to such an extent as to warrant the inference that it is present in the state at the time.—Jones v. Illinois Cent. R. Co., 175 N. W. 316.

A foreign corporation held not subject to suit in New York after it had ceased to do business in that state, on a cause of action arising in another state, although when doing business in New York it had designated an agent on whom service might be made, in compliance with General Corporation Law, N. Y. par. 16, which designation had not been revoked.—Chipman v. Thomas B. Jeffery Co., 260 F. 856.

While authority of foreign corporations to do business in states other than that in which they are incorporated may be revoked or terminated, the liability incurred while authorized to do business in the foreign state is not limited to period during which such authority continues.—American Fidelity Co. v. Leahy, 178 N. Y. S. 511.

Under New York General Corporation Law, par. 16, in force when a foreign corporation, which had obtained authority to do business in the state, and had designated a person on whom process against it might be served, attempted to surrender such authority, and such person filed revocation of his consent, summons against the corporation, in an action on a liability theretofore incurred in the state, could be served on the secretary of state.—Saxe v. Sugarland Mfg. Co., 178 N. Y. S. 454.

A suspension of corporate rights in California under the California Corporate License Act, approved May 11, 1917 (St. Cal. 1917, p. 371) is operative in New York, so as to prevent an action by an assignee of a cause of action, although no decree has been entered in New York making the suspension operative there.—Siegel v. Maryland Casualty Co., 178 N. Y. S. 391.

A state may exclude a foreign corporation from doing business in the state, and can therefore establish the obligation to submit to the jurisdiction of its courts as a condition of letting it in.

When a foreign corporation comes into the state and transacts its business, it owes obedience to the laws in force in the state.

Where a foreign corporation attempted to designate a person on whom process could be served, and obtained the certificate allowing it to do business in the state under General Corporation Law, par. 15, 16, and has done business in the state, it is estopped to deny, in an action in which process has been served on the designated person, to claim that the designation did not conform to the statute.

A foreign corporation, having complied with General Corporation Law, par. 15, 16, and obtained a certificate allowing it to do business in the state, cannot, while enjoying the privileges thus secured, limit the causes of action upon which it can be sued in the courts of the state, as it cannot accept the benefits without assuming the burdens thereby imposed.

Where a foreign corporation has designated a person upon whom process could be had, and has obtained a certificate allowing it to do business in the state, under General Corporation Law, par. 15, 16, summons and complaint may be served upon the person designated, although the cause of action did not arise out of business transacted within the state.—Sukosky v. Philadelphia & Reading Coal & Iron Co., 179 N. Y. S. 23.

A foreign corporation may own real property in the state of Missouri before qualifying, under Rev. St. 1909, par. 3037, to do business in the state.

A foreign corporation may sue in the state for a wrong committed in derogation of its title to property in the state before it qualified to transact business in the state in its corporate capacity.—Hurst Automatic Switch & Signal Co. v. Trust Co. of St. Louis, 216 S. W. 954.

General Corporation Law, par. 15, denying foreign

stock corporation doing business in the state right to sue on a contract made in the state prior to procuring a certificate, is controlling, notwithstanding performance of the contract by such corporation, through a domestic corporation, a cotton exchange of which both parties are members, according to its rules and regulations.—National Cotton & Grain Co., v. Middleton, 179 N. Y. S. 312.

Though a foreign corporation has engaged in business in New York, and as a condition of doing so has under the laws of that state designated an individual on whom process against it may be served in the state, a court in that state does not, in an action on a cause arising out of the state, obtain jurisdiction of its person by service of summons on such individual ,after it has removed from the state his un revoked designation not giving it constructive presence in the state.—Chipman, Limited, v. Thomas B. Jeffrey Co., 40 S. Ct. 172.

A foreign corporation which had not domesticated itself and was not doing business within the state and had not filed with the state auditor written authority for him to accept service cannot be served by delivery of a copy of summons to the deputy state auditor, who was not under any duty to and did not forward same to the corporation.—Schwabe v. American Rural Credits Ass'n, 175 N. W. 673.

A corporation derives its powers from its articles of incorporation and the laws of the state in which it was created.

The laws of California relating to foreign corporation are purely negative and restrictive in character, and merely forbid the exercise in the state of a small part of the corporate power it already possesses, except on the specified conditions.

A foreign corporation by coming into the state and complying with the laws thereof regarding foreign corporations thereby obtains no grant or franchise.

A foreign corporation is permitted to do business and exercise its corporate franchises in another state by comity only.

A domestic corporation is capable of being served as local agent of a foreign corporation though all its officers live without the state; it having agents living in the state, through whom it acts for the foreign corporation.

When summons is served under Civ. Code Prac. par. 51, on a person as chief officer or agent of defendant foreign company as named in section 732, subsec. 33, the return of the process server should state the position the served officer holds, so that the court may be advised whether the person is a chief officer or agent, within the provision describing such officers.—People v. Alaska Pac. S. S. Co., 187 P. 742.

Where original act in Missouri, requiring foreign corporations to file copy of charter, was repealed and new act passed, which was incorporated in Rev. St. 1909 as section 3039, but it was apparent that only a re-enactment was intended for the purpose of adding a clause, penalty section of original act incorporated in section 3040 was not repealed.—State ex rel. Jones v. Howe Scale Co. of Illinois, 218 S. W. 359.

A foreign trading corporation, which sends an agent to New York, authorized to conclude bargains generally, is subject to local process in personam.

A foreign corporation is not subject to local process in personam in respect of each single transaction which it may authorize within the domestic jurisdiction, unless it does some "continuous" or "permanent" business within that jurisdiction.—Hunau v. Northern Region Supply Corporation, 262 E. 181.

Service of summons on a foreign corporation in a state where it is not shown to be doing business or to have property, and in which it has not appointed an agent under the state law on whom service may be made, is ineffective.—Pine Hill Coal Co. v. Gusicki, 261 F. 974.

Service of process, under Kentucky St. par. 571, on defendant foreign corporation's authorized agent for such purpose, would have been sufficient, no matter how many chief officers the company might have had in the state, or in what county in relation to the county of suit they could have been found.

So much of the return of summons against defendant foreign corporation as stated that a named agent was defendant, he having been the person in charge of the company's works, may be treated as surplusage.—Morris v. Cumberland Producing & Refining Co., 218 S. W. 302.

A "local agent," within Texas Rev. St. 1911, art. 1861, allowing a foreign corporation to be served by citation on its local agent within the state, is one at a given place or within a district.—Alley v. Bessemer Gas Engine Co., 262 F. 94.

Unless defendant foreign corporation is doing business in the state, the temporary or permanent residence of its president in the state does not bring it within the state, so that service upon him will constitute service upon it.

Affidavits presented by plaintiffs to sustain service of the summons and complaint on the president of defendant foreign corporation, stating facts on information and belief going to show defendant company was doing business within the state, but without giving reasons for failure to present the affidavits of the persons from whom affiants professed to have obtained the information, were insufficient to show defendant corporation was so doing business.—Wollman v. Newark Star Pub. Co., 179 N. Y. S. 899.

An allegation in a complaint that defendant was a foreign corporation, and an affidavit made by the person who verified the complaint, stating positively that defendant was foreign corporation, and that in the contract sued on it referred to itself as of Santos, Brazil, were sufficient, under Code Civ. Proc. par. 1776, to support an attachment.—Sorensen v. S. A. Companhia General Commercial De Santos, Santos, Brazil, 180 N. Y. S. 201.

DEATH

Statutes of Ohio, giving a cause of action for death, are not regarded in Illinois as against morals or natural justice, or hostile to the general interests of the citizens and will be enforced, unless enforcement is prohibited by law.

The proviso of 1903 (Laws 1903. p. 217) added to the Injuries Act of 1853 had the same effect as the repeal of a statute, as far as bringing actions for damages for wrongful death occurring outside the state was concerned, and such amendment had the effect of arresting pending judicial proceedings to obtain damages for wrongful death.

The Injuries Act of 1853 (Hurd's St. 1917, p. 1662) before its amendment in 1903, was broad enough to confer jurisdiction in any action for the recovery of damages for death by wrongful act and by comity this jurisdiction was extended to those cases where death by wrongful act occurred outside the state and a right of action existed under the laws of the state where the death occurred.

Injuries Act par. 2, as amended in 1903 (Laws 1903, p. 217), so as to read that "no action shall be brought or prosecuted in this state to recover damages for a death occurring outside of this state," abolished the right to bring or prosecute pending actions for wrongful death occurring outside the state; the bringing of an action being the begining of a suit, and the prosecution of an action being the further conduct of the suit.—Wall v. Chesapeake & Ry. Co., 125 N. E. 20.

Evidence that one of four defendants left the United States for Greece, in 1912, to fight in the war in which Greece, his country, was then engaged and that he was seen engaged in battle, after which he was not seen alive, and that relatives held funeral services, and that administration had been taken out on his estate in Massachusetts, was competent on the point whether he was killed in battle.—Hanzes v. Flavio, 125 N. E. 612.

DIVORCE

As respects jurisdiction in divorce suits in Nevada, the marital status follows the marital domicile and is independent of the corporeal presence of either or both of the parties.

The courts of a state are without jurisdiction of the subject matter of an action for divorce where neither party has a domicile within such state.—Aspinwall v. Aspinwall 184. P. 810.

The statute in Arkansas conferring jurisdiction on the chancery court in divorce cases contemplates actual and not constructive residence by plaintiff.—Wood v. Wood 215 S W. 681.

Where a divorce decree granting custody of children to mother is silent as to maintenance, wife, in order to sue husband for necessaries furnished minor children, need not apply to the court wherein the divorce was granted for a modification of the decree.

Where a divorce decree was rendered in Illionois and the husband and wife thereafter became residents of Missouri, wife was not required to go to the Illinois court to have the decree of divorce modified before bringing an action against her former husband for necessaries furnished minor children.—Winner v. Schucart, 215 S. W. 905.

Where ,after husband and wife had each obtained a separate domicile in another state husband came into the state of matrimonial domicile, and by fraud obtained a judg-

ment of divorce, a suit by the wife in the same court to set aside the judgment may be maintained upon notice and service by delivery of copy of petition and summons in state of separate domicile pursuant to Rev. Stat. 1909, par. 1778 (Missouri) the marital status or relation being a "property right."—Cates v. Cates, 216 S. W. 573.

After a foreign decree for a wife for total divorce and alimony, her prayer in Georgia suit for permanent alimony was properly abandoned, since after she obtains a decree of total divorce and the marital relation no longer exists, and she cannot thereafter maintain an action for alimony.

Where petition showed that plaintiff had obtained a foreign decree of divorce, with a decree for alimony providing for support of a minor child, she could not thereafter maintain an original action at law against former husband to recover for necessary expenditures made by her after such decree for child's support, in view of Civ. Code 1910, par. 2981.—Brown v. Brown, 101 S. E. 315.

Rev. Laws, c. 152, par. 35, providing that, if an inhabitant of Massachusette goes into another state or country to obtain a divorce for a cause which occurred while the parties resided in Massachusetts, or for a cause which would not authorize a divorce by its laws, such divorce shall be of no force or effect in Massachusetts, is not violative of any provision of the federal Constitution.

Where a husband, a resident of Massachusetts, left the commonwealth for Wyoming to obtain a divorce, in violation of Rev. Laws, c. 152, par. 35, and the wife appeared in the Wyoming court as a party, and made a financial settlement with the husband, receiving custody of the child and a money payment, for which she receipted in due form, whereon a final ordr of divorce was entered, the wife cannot treat the husband's marriage and cohabitation with another woman as a violation of his marital obligations to herself, having connived or acquiesced therein.

Where a husband obtained a divorce in Wyoming by collusion with the wife, she appearing and accepting a money settlement, for a cause occurring while the parties resided in Massachusetts, the wife may show that the divorce is void, because in violation of Rev. Laws, c. 152, par. 35.—Langewald v. Langewald, 125 N. E. 566.

The validity of a decree of divorce, procured in the Illinois courts by a wife who left her husband in Texas, depended on the truthfulness of the facts stated in the wife's affidavit for substituted service upon the husband, rather than upon the good faith of the wife or her attorney in making the affidavit.

Decree of divorce obtained in a foreign state may be collaterally attacked to show that the court which rendered it had no jurisdiction, even though it recites all necessary jurisdictional facts.

A wife's act in merely going to another state to secure divorce, and in residing there the required length of time, but without any intention to remain permanently or indefinitely, is not sufficient to give the courts of such state jurisdiction of her divorce proceedings.

Divorce decree of a foreign court in favor of the wife, procured through her fraud and falsehood was not vitalized and validated by the act of the husband, never made a party to the suit, and who knew nothing of the action until after rendition of the decree, in subsequently visiting the wife after her return from the foreign state, and by failing to go there and attack the judgment because of fraud.—Richmond v. Sangster, 218 S. W. 723.

Where a divorce has been granted and possession of a child has been given the mother, and the mother and the child have become domiciled in another state, the courts of the place of domicile may, at the least, determine the custody of the child as its welfare may demand where there are changes of conditions arising subsequent to the entry of the original decree, and are not bound by a modification of the origial decree.

Where, after divorce decree was entered awarding custody of child to the mother, the mother and child became domiciled in another state with the knowledge and consent of the father, a modification of the original decree ex parte giving the father the custody of the child should not be binding upon the court of the state where the child was domiciled at the time the modification was made.—Groves v. Barto, 186 P. 300.

On defendant wife's application to set aside for fraud in procuring it her husband's decree of divorce, evidence held to justify the trial court's finding on the question of residence that plaintiff husband was not bona fide resident of Polk County when he sued her therein after assuring defendant wife, resident in Denver, Colo., that any divorce proceedings he might take would be known to her.—Messinger v. Messinger, 176 N. W. 260 .

A notice attempted to be served in Oregon upon a divorced wife, a bona fide resident of Oregon for modification of a California interlocutory divorce decree as to custody of minor children, was without extra-territorial force, and not being served upon the mother's attorney and she not appearing at the hearing, and the ten days after service required by the citation for appearing not being in accordance with the spirit of Cal. Code Civ. Proc. par. 410, 1005, the decree rendered upon such citation awarding the children to the father was not valid.—Griffin v. Griffin, 187 P. 598.

If a part of a divorce decree of another state relating to alimony or maintenance is not final, but is subject to notification by the court rendering it, then neither Const. U. S. art. 4, par. 1, relating to full faith and credit, nor comity, compels the courts of another state to enforce that part of the decree since no other than the court rendering the decree could undertake to administer relief without bringing about conflict of authority. —Levine v. Levine 187 P. 609.

DOMICILE.

The domicile of testator was in the state where he had acquired a residence and domicile, when he left it with no intent to return, and his purpose was to acquire a residence and domicile in a foreign country, but he died en route, while passing through another state.—State of Colorado v. Harbeck, 179 N. Y. S. 510.

On the death of the wife in a foreign state, natural guardianship of a child, which had been given to her custody in her divorce action, devolved on the husband under Gen. St. 1915, par. 5041, (Kansas) and his domicile became the child's domicile.—Chumos v. Chumos, 184 P. 736.

Every person must have a domicile, and but one; and this domicile, whether it be of origin or choice, is presumed to continue until a new one is obtained.

In order to acquire a new domicile, there must be a union of intention and residence, the new domicile not being acquired until there is an abandonment of the old residence, but a fixed intention to establish a new residence, followed by execution of the intent.

Intent, as regards domicile, is to be inferred from declarations and from conduct, and evidence of expressed intent has no controlling weight if such intent is inconsistent with the acts and general conduct of the person, in which case the acts and conduct showing intent outweigh his declarations or expressions of intent.—Bowen v. Commonwealth, 101 S. E. 232.

Where husband abandoned his domicile in one state, if at or subsequent to that time he acquired no other domicile by his combined acts and intent, his domicile of origin in another state must be considered his domicile.

That a husband, who with his wife have occupied two residences at different seasons of the year, intended to acquire a domicile in another state, so that in the event of his wife's decease he could share more liberally in her estate, does not prevent declaring that state his domicile, since motives that actuate the apparent intent are immaterial, except as aiding in determining whether it was actual or merely pretended.

Where a husband and wife, from the time of their marriage until the wife's death, continuously lived together as members of one family, the wife's domicile at her death was that of her husband.

Where husband and wife together occupied each of two residences at convenient and appropriate seasons of the year, evidence *held* to show that the husband was legally domiciled in Philadelphia at the time of death of his wife, so that the wife's domicile was there also.—In re Paullin's Estate, 109 A. 13.

EXECUTORS AND ADMINISTRATORS

An interstate's beneficial interest in a royalty agreement with a foreign mining corporation, pledged to secure his debt to a New Jersey corporation doing business in New York, the place of primary administration where the claim secured might be enforced, *held* to constitute assets in New Jersey for the purpose auxiliary administration.

Under Orphan's Court Act par. 29, where there is a domiciliary administrator, and, if he fails to make the application within 60 days after the death of his decedent, a creditor or relative may do so upon notice to domiciliary administrator, unless the latter waives the right to administer, which is equivalent to notice.

A bill by an auxilliary administrator to impress a trust upon assests in New Jersey will be dismissed, where the proceedings are not necessary and are not instituted in good faith; the domicilary administrator being able to sue, and there being no bona fide creditors within the state.

In a suit by an auxiliary administrator to impeach a trust upon assets pledged by interstate to secure a debt to a New Jersey corporation, evidence *held* to show that proceedings were not instituted in good faith, and that there were no bona fide creditors within the state.—Wall v. American Smelting & Refining Co. 108 A. 235.

Where testatrix, a resident of Iowa, owned large interests in Nebraska, administration on her Nebraska property will be deemed, ancillary to the Iowa administration, and under the rule of comity the ancillary executor will be required to turn over the property to the domiciliary executor.—In re Sanford's Estate, 175 N. W. 506.

A decree entered in accounting proceedings in a probate court in a sister state allowing certain accounts against estate of testatrix wherever situated as expenses in due administration is ineffectual against New York adminstrators with will annexed, as no state can exercsse direct jurisdiction over persons or property without its territory, and application for payment by New York administrators will be denied.—In re Eaton's Estate, 178 N. Y. S. 825.

The court where ancillary administration is had has authority to settle the accounts of the ancillary administrator for property received by him under his appointment, and it is discretionary with the court to order distribution there or to remit the effects of a testator, afer payment of debts and expenses to the place of principal administration.—Whalley v. Lawrence's Estate, 108 A. 387.

A stockholder's administratrix, appointed by the courts of a foreign state, cannot maintain in Colorado a proceeding in mandamus to compel respondents to permit her to inspect the books of a corporation, where she has not complied with Rev. St. 1908, par. 7152, by filing a copy of letters, so as to acquire right to sue.—Clark v. Tindolph, 185 P. 648.

Under Californian Civ. Proc. par. 1349, 1350, the fact that the executor named in a will is not a permanent resident of the state, but in it only to administer on the estate, does not disqualify him from acting as executor, nor render him ineligible for appoinment, and order appointing him on his application is authorized and required.—In re Kellev's Estate, 186 P. 1041.

Where ancillary letters of administration have not been issued in other states, the California courts may take jurisdiction of a proceeding seeking an accounting as to moneys and credits located outside the state.—Reed v. Hollister, 186 P. 819.

Judgment in a suit against a foreign executor brought in a court of Texas is not binding on the estate, as an executor or administrator can neither sue nor be sued outside of the state in which he receives appointment.

Judgment in favor of divorced wife, in her suit in Texas against a bank on a cashier's check given for half the price of land sold by her husband, half of which belonged to her, *held* conclusive against husband's executor, appointed in another state, who had been given legal notice of the divorced wife's claim to the fund, and had full knowledge of all facts and opportunity to take necessary steps to assert any right the husband had in the fund.—Baber v. Houston Nat. Exch Bank 218 S. W. 156.

IMMIGRATION.

The word "anarchist," as used in the immigration statutes, (Comp. St. 1918, par. 4289 ¼ jj), does not apply to the provision for deportation of any alien "who at any time after entry shall be found advocating or teaching the unlawful destruction of property."—Guiney v. Bonham, 261 F. 582.

The word "anarchist," as sed in the immigration statutes, includes, not only persons who advocate the overthrow of organized government by force, but also those who believed in the absence of government as a political ideal, and seek the same end through propaganda.—U. S. v. Stuppiello, 260 F. 483.

Immigration Act Act Feb. 5, 1917, c. 20, par. 19, 39 Stat. 880, providing for the deportation of "any alien who shall have entered or who shall be found in the United States in violation of this act or in violation of any other law of the Uniter States," applies to a Chinese alien who reentered after its passage, and who re-entered or was found in the United States in violation of prior statutes.

Evidence*held* to sustain findings that a Chinese alien fraudulently re-entered the United States on a certificate as a merchant, when his true status was that of a laborer.—Ng. Leong v. White, 260 F. 749.

Where a Chinese applicant's father had been admitted as a native-born citizen, and applicant's two brothers were subsequently admitted as sons of native-born citizen, *held*, that a declaration, claimed to have been made by applicant's father in Canada, giving China as the father's birthplace and an instrument by applicant's grandfather, stating that he arrived in the United States subsequent to the date applicant's father had claimed to have been born in this country, were insufficient to authorize the department in overturning its previous decisions and excluding the applicant.

In habeas corpus proceedings by a Chinese seeking admission as the son of a resident merchant, evidence that the father was principally engaged in delivering liquors and cigars sold by the firm of which he was a member *held* not to destroy the father's mercantile status, since the manual labor of delivering articles was a necssary part of the business.—Ex parte Young Toy, 62 F. 227.

The word "anarchist," as used in the immigration statutes, of Immigration Acts, Act Feb. 20, 1907, par. 2, 4, and Act Feb. 5, 1917 par. 5 (Comp. St. 1918; Comp. St. Ann. Supp. 1919, par. 4289 ¼c), is limited to manual laborers, and neither a bookkeeper in a bank nor a clerk in a steamship office is within the prohibition.—U. S. v. Union Bank of Canada, 262 F. 91.

INSURANCE.

Where a fire policy was issued from the office of the agent of the insurer in Kansas, and covered property in such state, where the loss occured, and the cause of the action accrued, payment of attorney's fee was part of the performance of the contract, governed by the law of Kansas, and the fee was improperly allowed under the law of Missouri.—Ayers v. Continental Ins. Co., 217 S. 550.

INTEREST.

Rev. St. 1909, par. 7181, Missouri, providing that interest shall be allowed on all money judgments from date of rendition to satisfaction, does not include judgments penal in their nature, and, though section 3039, athorizing suit to recover penaty for failure of foreign corporation to file copy of charter, is a civil action, the fine imposed by section 3040 is for purpose of punishment, and hence judgment for fine does not carry interest.—State ex rel. Jones v. Howe Scale Co. of Illinois, 218 S. W. 359.

JUDGMENTS.

Where a railroad settled a personal injury case brought in Minnesota by intervener upon a contingent fee of one-third, and railroad brought a action of interpleader in Nebraska and paid a third of settlement into court, and caused a personal service of summons on the attorney, a subsequent decision of a Minnesota district court, enforcing the intervener's lien, did not violate the full faith and credit clause, Const. U. S. art. 4, par. 1.—Scharmann v. Union Pac. Ry. Co., 175 N. W. 554.

A judgment in an action in rem or in personam, procured in a foreign court by wilful fraud upon the jurisdiction, may be collaterally attacked.—Richmond v. Sangster, 217 S. W. 723.

Child being within the jurisdiction of the state courts, they are not precluded by any judgment or order of a sister state from inquiring into and determining in its own behalf what are the best interests of the child as regards its custody.

The record of a judgment rendered in another state may be impeached by extrinsic evidence that the facts necessary to give the court pronouncing it jurisdiction did not exist, and this is true although the record sought to be impeached may recite the jurisdictional facts.—Anthony v. Tarpley, 187 P. 779.

MARRIAGE.

The fact that the parties were married in Michigan is no defense to the wife's suit in Indiana to have the marriage annulled for the husband's fraud.—Christlieb v. Christlieb, 125 N. E. 486.

SALES

The term "f. o. b." means that the seller is to put the goods on board at his own expense on account of the person for whom they are shipped, and the goods are at the risk of the buyer from the time they are on board.—Whitaker v. Dunlap-Morgan Co., 186 P. 181.

Where the seller of burlap subject to arrival of its own importations in fact never attempted to place an order for burlap from a foreign port in execution of the contract, while it would have been impossible to obtain importations for delivery on the delivery date unless ordered long before the contract was made, the clause of the contract that deliv-

ery was subject to arrival of importations was not a defense to the buyer's action against the seller for failure to deliver.

Where a contract for the sale of burlap stated that delivery was subject to marine disasters, such clause had no application to release the seller from liability for failure to deliver, where the seller's order for shipment from a foreign port of certain bales of burlap was not made in contemplation of the contract, and the burlap did not reach the port of destination for the seller until long after the date set for delivery.

The rights of a buyer of burlap were not affected by fire on board a steamship which apparently was carrying jute that the seller, sued by the buyer for failure to deliver, expected to share, though the contract read that delivery was subject to marine disasters, the seller's order for shipment from a foreign port of certain bales not having been made in contemplation of the contract, and the burlap not having reached the seller's port until long after the date fixed for delivery.—Wonalancet Co. v. Collins, Plass, Thayer Co., 125 N. E. 700.

Where plaintiff, prior to war between the United States and Germany, purchased of defendant bonds of the fifth German war loan, taking defendant's interim certificates and a receipt reciting full payment, and that the bonds were to be delivered by defendant against return of the interim certificates "upon arrival from Europe," the transfer constituted an executed contract of sale, which passed title under personal Property Law, par. 100, rule 1, and plaintiff could not rescind the sale for defendant's failure to deliver the bonds within a reasonable time; time not being of the essence of the contract.

SEAMEN.

Shipping articles for a voyage from Baltimore "to such ports or places in any part of the world" as the master may direct, back to a final port in the United States, for a term not exceeding six months, held too indefinite and uncertain as to the voyage and services contracted for, and void, under Rev. St. par. 4511, 4523 (Comp. St. par. 8300, 8314).—The Quoque, 261 F. 415.

TAXATION

Inheritance taxes paid to foreign states should be deducted from the legacies that are taxed in such state, and not from the gross estate as an expense of administration and where the order fixing the tax does not specifically state the amount on each legacy, the tax should be deducted from the respective legacies in proportion to the amount transferred to each taxable legatee.—In re Guiteras' Estate, 178 N. Y. S. 559.

Where the devolution of title to property involves a succession or inheritance tax, it is governed and controlled by the laws of the forum imposing the tax, if the transfer sought to be taxed is within the jurisdiction of the tax authorities, and imposition of such tax cannot be denied, on the ground that it would interfere with comity between states, for it is a well-settled rule that no foreign law will be enforced in a sovereign state, if to enforce it will contravene the express statute law or expressed public policy of the forum or is injurious to its interests.—Nickel v. State, 185 P. 565.

Where testatrix's will worked a conversion of her real property because sale was necessary to pay pecuniary legacies, collateral inheritance taxes may be assessed on proceeds of land located in a foreign state which was sold, even though under the laws of the foreign state a similar tax was imposed and collected: there being no conflict in the taxing power of the state of the testatrix's domicile and that of the state in which the land was located.—In re Sanford's Estate, 175 N. W. 506.

Soldiers' Bonus Act, par. 7, allowing corporations to deduct from net income on which tax is computed 6 per cent of its capital stock surplus and undivided profits, is in effect an amendment of States. Wis. par. 1087 6, which is a part of the Income Tax law and does not discriminate in favor of or against foreign corporations.—State v. Johnson 175 N. W. 589

Probate, accounting, and transfer tax proceedings in New York having been instituted or taken part in on the representations by the legatees that decedent was a resident of Colorado, and the property, consisting of penalty, therefore having been dealt with under the Colorado laws (Decedent state law, par. 47) the legatees, having thus invoked the aid of Colorado, and taken decedent's property through the operation of its laws, must comply with any conditions imposed by that state in granting the benefit, and are so subject to its law that notice of appraisal proceedings therein for inheritance tax may be by mail.—State of Colorado v. Harbeck, 179 N. Y. S. 510.

A state has no power to tax personal property permanently situated in another state.—Anderson v. Durr, 126 N. E. 57.

A membership in New York Stock Exchange owned by a resident of Ohio, a partner in a brokerage firm, which afforded him increased facilities for doing business, and gave him certain contractual rights and had a market value, though transferable only according to regulations of Exchange, which owned the entire capital stock of the Exchange Building Company, which owned the property in which the business of the Exchange was conducted, is personal property having a taxable situs at the domicile of the owner, within Gen. Code, par. 5325, 5328, and in view of Const. art. 12 par. 2.—Anderson v. Durr, 126 N. E. 57.

Pennsylvania, Act July 15, 1897 (P. L. 292) par. 2, imposing a tax on the capital stock of companies organized for the porpose of distilling liquors and selling them at wholesale, applies to a foreign corporation distilling liquors outside the state and selling them at wholesale within the state.—Commonwealth v. Hannis Distiling Co., 108 A. 822.

The franchise of a foreign corporation to do business in the state of California, other than in interstate commerce, is not a property right therein, and so taxable there, till exercised there, and ceases to be such when its exercise is discontinued.

A foreign corporation *held* not estopped to show that during a certain year it exercised no franchise to do business in the state, other than in interstate commerce, and so was not taxable thereon, by reason of its report in the prior year as required by tax law, nor by its payment under protest of the tax levied for such prior year, nor by its failure and refusal to make the report in the year in question, and the consequent arbitrary assessment on the claimed franchise.—People v. Alaska Pac. S. S. Co., 187 P. 742.

A foreign corporation, doing business in the state of Ohio, is liable to be taxed on credits.—Singer Sewing Machine Co. v. Cooper. 261 F. 635.

WILLS

Where a native of Ireland, after coming to Kansas, while on a visit to Ireland in 1908, executed his will, and made another visit to Ireland in 1913, and died there in 1916, and his will was probated, and an application was presented to proper court in Texas for probate there and for record of authenticated copy of will and of order admitting it to probate, and copy of will was ordered recorded, and authenticated copy of will and record of its probate in Ireland, the athenticated copy thereof and of record of probate in Ireland were entitled to record in probate court of Harey county, where testator owned property over objections that deceased at his death was domiciled in Texas.—In re Hanna's Estate, 186 P. 1010.

Authentication of copy of foreign will and of the record of the probate thereof in a court of Ireland, consisting of documents certified by registar of court in which probate records of Ireland were kept, and certificate of judge of that court that registrar was duly intrusted with custody of such records and that his signature to his certificate was genuine, and certificate of registrar to signature of judge, and certificate of United States consul to signature of registrar, complied with Code Civ. Proc. par. 368 (Gen. t. 1915, par. 7272).—In re Hanna's Estate, 186 P. 1010.

TARIFF LAWS AND REGULATIONS:

I. Export.

AUSTRALIA.

Removal of Embargoes.

The embargo on exportation from Australia has been removed for the following commodities: Acaroid resin, grass tree gum, and yacca gum: whale oil, crude and refined: fodders, hay, straw, chaff, compressed fodder, oats, bran and pollard: diamonds and precious stones: tallow, fats, oils, caustic soda, and other materials usable for the manufacture of glycerine: high-speed tool steel: sulphate of ammonia: manufactures of metals: empty glass bottles: salt, bicarbonate of soda, phosphorus, strychnine and its salts, arsenic and its water, and soluble salts: red and white lead: honey, dried fruits: animal fertilizers: and raw materials for manufacturers. The order went into effect February 27, 1920.

BOLIVIA.

Tax on Hides.

The Chambers of the Bolivian Congress have passed a bill providing for the imposition of an export tax on hides, at the rate of 15 per cent. ad valorem based on New York quotations for Argentine hides.

CEYLON.

Prohibited Exports.

Under date of January 3, 1920, the Government of Ceylon promulgated a revised list of articles the export of which is prohibited under the War Exportation Ordinance of 1914. The list is as follows:

Articles prohibited to all destinations:—Made-up wearing apparel of cotton, linen, flannel, tweed, and woolen goods, chilies: manufactures or cotton, wool, linen, and tweed: cotton and linen thread: lubricating oils: rice: wheat flour: sugar: tins (empty or full) made of tin plate, except those of less capacity than 1 gallon: Russian rouble notes: and British specie.

Articles prohibited to destinations other than the United Kingdom its possessions and proctectorates: Aircraft, ammunition, apparatus which can be used for the storage or protection of compressed or liquified gases, fiame, acids, or other destructive agents capable of use in warlike operations and their component parts; armored motor cars; asbestos, except raw asbestos; bitumen; bauxite; butter; cheese; cocaine; explosives; firearms of all kinds; implements designed exclusively for the manufacture of munitions of war and for the manufacture or repair of arms or war material for use on land or sea; mica; opium; silver; whalebone; and wool.

COSTA RICA

Removal of Embargo on Sugar.

By an order issued by the Secretary of Treasury and Commerce on March 24, 1920, temporary permission is granted for the exportation from Costa Rica of brown sugar (panela) and musovado sugar (dulce in tapa.) An export tax of $0.50, American currency, per quintal of 101.2 pounds is imposed. White sugar is still under export embargo.

CYPRUS.

Free Export of Carobs.

The Government has removed the restriction against the free export of carobs, on condition that a sufficient quantity is kept for the needs of the island.

DANZIG.

Foreign Trade Regulations.

Under date of January 28, 1920, the President of the Government District of Danzig, who is at present administering the territory of the future Free City on behalf of the Allies, issued an order concerning foreign trade, the principal provisions of which are as follows:

A permit is necessary for the exportation of merchandise from the territory of the future Free City.

The granting of permits for both imports and exports may be made subject to the fulfillment of certain conditions. Permits will be issued by a municipal Bureau for Foreign Trade, which will be organized at once. This bureau will determine the conditions under which permits are to be granted. The main lines for the activity of the bureau will be drawn up by the municipal authorities in agreement with the Danzig Chamber of Commerce, subject to approval by the President of the Government District.

To cover the expenses of the bureau, a fee of one per mill may be collected.

Penalties for violation of the foregoing provisions are also fixed.

These provisions do not, of course, apply to merchandise in transit, which is unrestricted.

DENMARK.

Removal of Certain Embargoes.

The Danish embargo upon the exportation of the following commodities has been removed: Cocoa butter, game, all kinds; linoleum; cigars, cigarettes, and chewing and smoking tobacco; wooden shoes, with or without fittings; and cullet. The decree went into effect February 10, 1920.

FRANCE.

Embargo on Coal-tar Products.

A decree of March 2, published in "Le Journal Officiel" of March 5, prohibits from March 5 the exportation and re-exportation of coal tar and products obtained direct by distillation of coal tar, except under license from the Ministry of France.

Modification of Embargo on Horses.

A decree of March 22, published March 25, removes the export prohibition on donkeys, asses, and mules, and permits the exportation of horses mares, and colts under license from the Ministry of Finance.

Duties on Certain Animals.

Another decree of the same date provides for the imposition of export duties on the following live animals: Horses and mares, 800 francs each; colts, 500 francs each; asses and young asses, 200 francs each. Schedule B (export tariff) of the French customs tariff, is modified in accordance with the above decree. These rates are applicable also to Algeria.

Embargo and Duty on Objects of Art and Furniture.

A decree of May 1, published May 2, 1920, prohibits from the date of publication the exportation of objects of art and furniture dating before the year 1830, and works of painters, sculptors, designers and engravers, deceased twenty years before the date of exportation. The prohibition is not applicable to goods for transshipment, warehousing, of transit, nor for those imported (for exportation) after the publication of the present decree. The Ministry of Finance may authorize special export permits. The decree imposes upon each object exported which is valued at less than 100,000 francs an export duty of 50% ad valorem, plus the amount obtained by multiplying 1-2 per cent. thousand francs by the square of the number of thousands of francs of total value. For example, the duty on an obbject valued at 50,000 francs is 37,500 francs, or 5 times 50 squared plus 25,000. The export duty on objects valued at 100,000 francs and over is 100% ad valorem. The duty is not applicable to goods imported after the publication of this decree.

GIBRALTAR.

Export Duty on Oil.

The Gibraltar Governor has placed a duty of 1s. 6d. per ton of actual weight delivered on all oil for use as fuel exported from Gibraltar whether taken as bunker or as cargo. The duty taxes affect from May, 1920.

GREAT BRITAIN.

Changes in Embargoes.

It is announced that solvent naphtha, cresylic acid, and mixtures containing cresylic acid have been restored to the list of British export embargoes. The item now includes coal tar, all products and derivatives thereof suitable for the manufacture of dyes and explosives, whether obtained from coal tar or other sources, and mixtures and preparations containing such derivatives.

The open general license for the export of industrial explosives, smooth-bore guns, and munitions for use therewith, has been withdrawn and the exportation of these commodities granted to the following countries only: British possessions and protectorates (in accordance with the arms convention, all arms, ammunitions, and industrial explosives still require export licenses for destinations in prohibited areas), French possesions and protectorates (same convention applies), the United States, South America, Japan, and Korea, Asiatic Russia France, Belgium, Spain, Portugal, Greece, Italy, Serbia, Romania, Norway; Sweden; Denmark, and Switzerland.

The Board of Trade has removed the export prohibition from canned cherries. (Other canned fruits may be exported only under license).

The following changes have been made on March 31, in the export embargoes now in force: Grabs oysters, shrimps, scallops and salmon, trout have ben added to the list of tinned, preserved, or frozen fish and may be exported without license. Condensed or preserved milk, other than milk powder, has been placed on the list of goods that may not be exported to any destination except under license, removing this item from list B, which allowed its exportation to all parts of the British Empire.

Dried fruits may now be exported without license and the preserved fruits requiring a license are the following:—Pears, pineapples and peaches, canned or bottled in water; fruits canned or bottled in sirup, except cherries, fruit pulp; and jams and marmalade.

On March 11 the exportation of salmon, trout and Russian notes and roubles from the United Kingdom was permitted without the formality of a license.

The following British export prohibitions have been removed under date of April 15, 1920: Barley, maize, oats,

rye,and dari, together with their relative flours and meals: brewers' and distillers' grains; malt dust, culms, spouts, and combings; and rice meal or bread.

The Board of Trade announced that from April 1 the open general license for the export of industrial explosives has been wihtdrawn and prohibition on the export of explosives has been amended so that the exportation of all explosives (except blasting, gelatine, gelignite, gelatine dynamite, viking aowder, detonators, electric detonators nonobel safety fused, and dynamite) is prohibited to all destinations.

On April 29, 1920, the British Board of Trade removed the export embargo on unsweetened condensed milk and evaporated milk.

On May 6, 1920, the British Government removed the export embargo from cod-liver oil, preparations containing cod-liver oil, and sulphate of quinine.

The British export prohibition against pears and peaches, canned or bottled in water, and fresh and frozen imported meats of all kinds, has been removed on May 13, 1920.

An order from the British Food Ministry has removed the export embargo on cottonseed cake effective from January.

Licenses for Certain Coal-tar Products.

Under date of February 19, 1920 the British Board of Trade announces that export licenses for the exportation of all coal-tar products excepting finished dyestuffs, but including aniline oils and salts, granted before January 1, 1920, are revoked. The revocation is to take effect February 21, 1920. Applications for the renewal of licenses will be considered if special cause is shown.

ITALY.

Permits for Cherries.

Under date of May 13, 1920, the Italian Government will permit, until further notice, the exportation of fresh cherries, sulphurated cherries, and cherries in brine.

MADEIRA.

Embargo on Willows.

The exportation of willows from Madeira has been prohibited. Wicker furniture is not included in the embargo.

MEXICO.

Duties in Lower California.

By a decree published under date of January 7, 1920, there is introduced in the tariff of Export Duties issued June 13, 1917, the following amendments applicable to exportations from Lower California; Cotton seed, Item 135 Bis, $1 ($0.50 U. S. currency) per 100 kilos, gross weight; orchilla, Item 168, exempt; and oranges Item 77, exempt when exported from the States of Sonora and Sinaloa, as well as from the territory of Lower California.

Surtax on Imports and Exports.

A presidential decree has been issued under date of February 24, 1920, with effect from March 1, 1920, imposing on all imports and exports a surtax of 10%,payable either in Mexican gold or in "infalsificable" paper at the rate of 1 peso to 10 centavos. The purpose of the measure is the withdrawal of the "infalsificable" currency from circulation with a minimum of speculation. It is estimated that all of this paper currency will be retired within the next six months.

Beginning with May 1, 1920, the export of cattles hides and goat skins from Mexico is prohibited.

Duties on Petroleum.

On May 1, 1920, the Mexican City local press published a report that the export duty on petroleum has been increased from 0.60 peso to 1.08 pesos per ton.

NEW CALEDONIA.

Continuation of Certain Duties.

A decree of January 29, 1920, continues in effect throughout 1920 the decree of June 9, 1917, which imposed an export duty of 5 per cent. ad valorem upon raw hides and skins, green or dried; copra; and mother-of-pearl shells when exported from New Caledonia and its dependencies.

NIGERIA.

Royalty on Wolfram Ore.

The governor in council, with the approval of the Secretary of State, has made reguations under the Minerals Ordinance of 1916, prescribing that the following royalties be paid on wolfram ore:

When the London price per unit is less than 30 shillings, the royalty shall be 2 1-2 per cent, ad valorem; when the price is 30 shillings, but less than 35 shillings, the royalty shall be 3 per cent. ad valorem; when the price is 35 shillings, but less than 40 shillings, the royalty shall be 5 1-2 per cent. ad valorem; when the price is 40 shillings or more, the royalty shall be 7 1-2 per cent. ad valorem.

Provided that, for the purpose of computing royalty, mixed ore containing both tin and wolfram concentrates shall if it contains 60 per cent and over of wolfram concentrate, be deemed wolfram ore, and if it contains less than 60 per cent. of wolfram concentrate, be deemed to be tin ore.

Duty on Palm Kernels and Oil.

Beginning Februarv 1, 1920, the duty in Nigeria on palm kernels will be £2 per ton (exclusive of the duty of £2 per ton on palm kernels exported to destinations outside the British Empire) instead of £1 2s. 6d. per ton. On palm oil the duty will be £3 per ton instead of £2 per ton after February 1.

RUSSIA.

Relaxation of Embargo from Vladivostok.

The committee in control of imports and exports has been persuaded in April by the head of the Vladivostok government to grant export permits.

SPAIN.

Allowance of Olive Oil.

A royal order published March 30, 1920, modified April 11, allows the exportation of 20,000,000 kilos of olive oil, providing the exporters place at the disposition of the Government, at the official price, quantities equal to 150 per cent. of the amount exported. The Government reserves the right to suspend export if deemed advisable for the supply of the national demands; also the right to permit export to certain countries only, if it is desirable for the fulfillment of special trade agreements. There will be an export tax of 5 pesetas per 100 kilos if in barrels, and 20 pesetas if in bottles or tins under Spanish brands. The permits will lapse on September 30 for olive oil in barrels, and on October 31 for oil in other receptacles.

URUGUAY.

Increased Port Charges.

On account of the increased cost of labor, fuel, and materials the National Port Administration of Montevideo has found it necessary, in order to cover the cost of operation, to increase both ths landing and loading charges for all merchandise handled at this port. The new schedule was put into effect on January 10, 1920.

Duties on Preserved Pork.

By a decree of January 9, 1920, pork preserved by salting and injection, as well as by refrigeration, is included in the exemptions from export duty provided by the laws of July 15, 1911, and April 28, 1916. Amounts paid for export duties on preserved pork are to be refunded.

II. Import.

AUSTRALIA.

Removal of Prohibition on American Apples.

The Australian Government has removed the prohibition against the importation of American apples, effective May 19, 1920. (The prohibition against the importation of apples has been in effect since July 18, 1917).

BULGARIA.

Customs Regulation.

Beginning January 1, 1920, Bulgarian paper currency will be accepted by the customs in payment of duty on imports at the rate of 6 to 1; that is, 600 paper leva for 100 gold leva. The rate was raised to 5 to 1 in November. In order to stabilize commerce, the Minister of Finance announces that the new rate will be maintained during the first half of 1920, unless the exchange value of the leva improves, in which case the rate may be lowered.

CANADA.

Explosives Act.

Under the provisions of new Explosives Act ch. 31, 4-5 Geo. V 1014 no person shall import any explosive unless such explosive has been declared by the Minister of Mines to be an authorised explosive, e. g. an explosive the manu-

facture or importation of which has ben authorised under this act. "Explosive" means gunpowder, blasting powder, nitro-glycerine, guncotton, dynamite, blasting, gelatine, gelignite, fulminates of mercury, or other metals, colored fires, and every other substance whether chemical compound or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion, or a pyrotechnic effect, and includes fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, fog and other signals, and every other adoption or preparation of an explosive as above defined.

The Minister may issue permits for the importation of authorized explosives, and no one shall import any explosive into Canada, other than safety cartridges, without such permit: **Provided however,** That nothing in this Act shall prevent any explosive from being transported through Canada by railway in bond, if such transportation is made in a manner authorized by the Railway Act or any regulation or order made thereunder. The Ministry may on application and on payment for the prescribed fees issue a special permit to import, for the purpose of chemical analysis or scientific research, an amount not exceeding 2 pounds of any explosive specified in such permit.

Penalties are provided for the violations of this act, which came into force on March 1, 1920.

CHOSEN.

Duty on Certain Cerials.

Ordinance No. 1 of 1920, published in "The Official Gazette" of March 1, 1920, adds red beans, soya beans, corn and hiye to the list of goods which were exempted from import duty by an ordinance of September 12, 1919.

COLOMBIA.

Increased Duty on Salt.

By a decree of January 5, 1920, the duty on salt imported into Columbia through the Pacific ports was increased to 0.06 peso, and 0.07 peso per kilo, effective for one month, respectively. From March 16, 1920, the duty was fixed at 0.08 peso per kilo. The form r rate was 0.03 peso per kilo.

COSTA RICA.

New Duty on Wheat.

By a decree published in "La Gaceta" of January 8, 1920, the import duty on wheat is fixed at 0.02 colon per kilogram (0.42 cent per pound) effective from February 8, 1920.

This abrogates the law of August 27, 1915, which intended by a prohibitive duty to encourage the cultivationn of wheat in Costa Rica.

DANZIG.

A permit is necessary for the importation of merchandise into the territory of the future Free City of Danzig. This does not, however, apply to imports from Germany or from territory ceded by Germany to Poland under the Treaty of Versailles. (See "Export" above.)

Free Importation of Rice.

A decree of February 7, 1920 provides that the importation of rice for consumption in the territory of the Republic shall be free of all consular fees and customs duties, stevedore charges not included. The cargoes of rice imported under this decree shall be dispatched directly from the wharf to the storerooms of the importing merchants. The decree became effective at once, and may be repealed upon thirty day's notice.

FINLAND.

Import Restrictions.

The Trade and Industrial Commission announce the withdrawl of the following goods from the list of articles free from import restriction: Fresh herring; lentils; peas, and beans, not hermetically sealed; wheat flour; rice; macaroni; oil cakes, cakes made of pressed maize, acorns, ground or unground, and ground nuts; fodder, not specified as to kind; cabbages; salted or dried vegetables; all kinds of cheese, if not hermetically sealed; and feathers.

FRANCE.

Changes in Coefficients.

French decrees of April 14, 1920 published in "Le Journal Officiel" for April 20, made the following modifications in the coefficients for ascertaining import duties: Item ex358, imitation precious stones and watch charms of glass, colored or not, coefficient, 3; item 428bis, incandescent mantles (impregnated,) coefficient, 3; item 442, pure wool carpets with notted or twisted pile of any origin including imitations, coefficient, 3; item ex504bis, alarm clocks with or without music, weighing more than 500 grams each, coefficent, 2.5 item ex504ter, small alarm clocks and movements for the same, with or without music or striking attachments, coefficient, 2.5.

A decree of February 3, 1920, published in "Le Journal Officiel" for February 8, modified coefficients as follows: Item 332, refractory products other than of common clay, coefficient coefficient 3; items 409 and 410, cotton velvets and plushes, bleached or unbleached, dyed or mercerized, glossed to imitate silk, coefficient 2.7; the same, other than glossed to imitate silk, containing silk in the warp, 26 or less threads to the centimeter, coefficient, 1.2; more than 26 threads to the centimeter, coefficient, 3; item 536, except carbon, or artificial carbon brushes for dynamos, coefficient,3.

A decree of March 27, published March 30, increases the coefficient for import duty on bodies of passenger motor vehicles (item ex614ter) other than those dutiable at the ad valorem rate to 2.3 motor vehicles and parts weighing up to 2500 kilos (kilo 2. lbs.) are dutiable at the rate of 45% ad valorem.

Item ex419 unit cotton goods not specified, including garments and parts thereof, fitted or not coefficient 3 and item 627 hats of woolen felt coefficient 2.5.

A decree of April 12, 1920, published April 16, makes the following modifications in the list of coefficients: Item ex24, horsehair prepared or curled, coefficient 3; item 515, carding machines, item 516, machines for cleaning, opening, and preparing textile fibers, and for dressing and finishing fabrics in the piece, and item 516bis, machines for drying or carboniing textile fibres, coefficient 3; iron or steel rims (armatures) for solid automobile truck tires, coefficient 3; item 651 and 651bis, artificial flowers, leaves, and fruits, and preserved plants and flowers, coefficient 3.

A decree of April 22, 1920, published April 26, increases the following coefficients for obtaining rates of import duty: Item ex 164bis, distillery yeast, coefficient 3; item 331, refractory potterv of common clay, coefficient 3; item 521, printing presses and machines for letterpress, lithographic, phototype, copperplate, and all other kinds of impression on paper, cardboard, wood, metal, celluloid, and plastic materials coefficient 3.

Removal of Prohibition on Frozen Meat.

A French decree of February 24 removes the prohibition against the importation of frozen meats, beginning June 1, 1920.

Duty on Absorbent Cotton.

A decree of March 12, 1920, published in "Le Journal Officiel" of March 20, reestablished the duty on absorbent cotton, whether impregnated, medicated, or not, when imported into France and Algeria. The duty was suspended by a decree of August 13, 1914. Shipments en route direct for France or Algeria before the publication of the decree will not be affected thereby.

Relaxation of Prohibitions.

A decree of April 19, abrogates the decree of July 13, 1919, except in case of the German dyestuffs and chemical and pharmaceutical products, so that all goods (except German dyestuffs, chemicals, and pharmaceutical products) from Germany, Austria, Czecho-Slovakia, Poland, and other European countries subject to the general rates of duty will no longer require a French import license.

Import Restrictions.

A decree of April 23, 1920 prohibits the importation of merchandise into France and Algeria. The prohibition is not applicable to such goods as are imported with a view to reexportation, nor to goods enroute direct to France before the publication of the decree. The Ministry of Finance may authorize import exceptions for art objects and articles for collections. The decree affects many articles classified as luxuries.

FRENCH COLONIES.

Restrictions on Alcoholic and Sugar Products.

A law of March 23, published in "Le Journal Officiel" of March 25, 1920 ratifies the decree of December 29, 1919, which prohibited the importation of sugar, molasses, vat sirup (sirops de batterie), and foreign alcohols into Martinique. Guadaloupe and Reunion, and extends the application of the decree to French

Guina. A decree of same date removes the restrictions on the importation of sugar into all the French colonies except the above and into all the protectorates except Tunis and Morocco.

GREAT BRITAIN.

Duties on Cigars and Motor Spirits.

The new duty on cigars is 15 shillings and 7 pence plus 15% ad valorem, while the colonial preference will be five sixths of the specific duty plus two thirds of the advalorem surtax. On January 1, 1921 the duty of six pence per gallon on motor spirits is to be repealed.

INDIA.

Removal of Prohibition on Dyestuffs.

On March 19, 1920, the prohibition on the importation of dyestuffs into British India was removed.

The prohibition against the importation of dyestuffs in British India went into effect September 6, 1919.

ITALY.

Italian customs duty has been paid normally in gold and when duty is settled in Italian paper an additional 50% has been required. This additional 50% has been raised to 100% by royal decree effective April 9.

MALTA.

Preferential Tariff.

A new customs tariff has been promulgated in Malta, effective March 13, 1920, of which the most notable feature is the provision establishing preferential rates in favor of products of the British Empire. The general rate prescribed is 15% ad valorem, while the preferential rate is 10%.

The rates on the necessaries of life have not been increased, in fact some additions have been made to the free list, but the rates on luxuries, particularly upon spirits and tobacco, nave been considerably increased.

MEXICO.

Payment of Import Duties.

A circular has been issued by the Mexican Minister of Finance permitting the payment of import duties at Mexico City instead of at ports of arrival upon compliance with the following requisites:

First. Previous delivery to the customs at the port of entry of a bond satisfactory to the collectors of customs, fully guaranteeing the payment of import duties that may be imposed.

Second. The payment of said duties will be made upon the basis of the respective tariff, with a surcharge of 25% of the total amount of the duties.

For surtax: see "Exports" above.

NEW ZEALAND.

Conversion Rates for Customs Purposes.

The following new regulations prescribing the form of conversion in the case of goods imported into New Zealand on or after February 1, 1920, substituted therefor:

(1) For goods exported from Canada: An average rate of exchange to be published in the New Zealand Gazette and forwarded by circular to the collectors of customs throughout New Zealand, for public information on or before January 20, 1920, such rate to stand for a period of six months unless, before the expiry of that time, it is found to be operating unjustly. The rate of exchange so fixed will be a fair average of the latest quotations available from Montreal over a period of 14 days, or some longer period.

(2) For goods exported from the United States: An average rate to be arrived at in the same manner as under rule (1) on latest quotations from New York.

(3) For goods exported from other countries: A rate to be published in the same manner as under rule (1) fixed on the best information available, or in case of those countries for which no rate of exchange can be satisfactorily arrived at, the rates of exchange shown on the invoices of other documents, unless there is good reason to believe that such rates have been wrongfully or mistakenly inserted.

Where goods which left the exporters' premises in the country of exportation prior to October 11, 1919, have been prevented from reaching New Zealand before February 1, next, owing to shipping strikes or similar unavoidable delay in transit, such goods may be entered at the rates of exchange at present recognized by the customs, provided the same are imported not later than March 31, 1920.

PERSIA.

A New Tariff.

The new tariff schedule, as revised by the Persian and British commission of tariff experts, will become operative on March 21. The schedule was completed recently, but it has not been made public as yet. The cheif revision affects the import duty on sugar, which has been raised.

PORTUGAL.

Import Prohibitions.

A decree of February 14, 1920, published in the Diario do Governo of the same date prohibits the importation of certain articles and regulates the importation of others. The list of prohibitions and restrictions, together with a part of the regulations, follow:

Art. 1. The importation into continental Portugal and adjacent islands of foreign goods enumerated in schedule A of this decree is prohibited.

Art. 2. Goods enumerated in schedule B of this decree may be imported only in quantities fixed every three months by the Minister of Finances and subject to the payment of the regular import duties and the surtaxes provided for in the decree.

Art. 3. The quantity of goods to be imported will be allotted by special rationing commissions located in certain customs districts.

Persons wishing to import articles included in schedule B must make an application to the rationing committee in their district between the 1st and 15th of March, June, September, or December.

Art. 4. The importation of goods enumerated in schedule B can be made only by persons whose names are included in the lists of the rationing commissions. Persons who wish to import goods allotted to them by the special commission must ask for an authorization of importation, stating the quantity and quality of goods to be imported and giving the value of the goods in the currency in which the goods are to be paid for.

Art. 5. Goods which on the date of this decree are in a warehouse in the customhouse are excepted from the provisions of articles 1 and 2 of this decree; also goods of which importation has been authorized by article 3 or decree No. 6263 of December 2, 1919, also goods which were sent direct to continental Portugal before January 2, 1920, where it can be proved by bills of lading, railway or postal receipts, also goods which were sent direct to continental Portugal before January 2, 1920, where it can be proved by bills of lading railway or postal receipts, also goods which were ordered and paid for before January 2, 1920, subject to adequate proof.

Art. 9. The petitions for importation during the present year must be presented before February 20 of this year. The commission will allot the goods to be imported from March to June, inclusively, until the end of February.

Art. 10. This decree enters immediately in force and revokes all legislation to the contrary.

There is a surtax of 20 escudos each on automobile trucks, and on manufactures of oilcloth another sutax of 0.30 escudo per kilo. (Escudo equals $1.08, nominal value; kilo equals 2.2046 pounds.)

SALVADOR.

Exemption for Stucco Board.

The free admission of stucco board into Salvador is provided by a decree of February 17, 1920.

SPAIN.

Regulations for Foreign Aeroplanes.

The Spanish Ambassador to the United States has transmitted the new customs regulations for foreign aeroplanes to be in effect in Spain.

These regulations provide that no foreign machine may land in an airdrome, except one provided with customs services, when it will be examined and assessed for duty. The duty shall be paid or sufficient guaranty given for them in case proof is not given of the departure of the machine within six months. The airdromes or landing fields near Barcelona, San Sebastian, Malaga, and Sevilla are considered as provided with customs service, the operator of the field being expected to apply for authorization from the Director General of Customs. Native or foreign companies which establish service over the country must apply for a permit for airdromes established or to be established. In the case of forced or voluntary landing in airdromes not supplied with customs service the owner of the airdrome shall notify the authorities.

No merchandise whatever may be imported by aeroplane

pending agreement between Spain and the country forwarding the goods.

Increase Duty on Coal-Tar Dyes.

By a royal order of February 14, 1920, the duties on coal-tar dyes imported into Spain have been fixed for a period of 10 years at greatly increased rates. The new minimum rates are as follows:

Item 204a, dyes derived from coal tar, in powder or crystals, 4 pesetas per kilo (formerly 1.10 pestas per kilio); 204b, thiocarbon, 4 pesetas per kilo (formerly 0.25 peseta per kilo); item 205, dyes derived from coal tar in paste or liquid, 2 pesetas per kilo (formerly 0.50 peseta per kilo.)

Classification of Absorbent Gauze.

By royal order of March 22, 1920, absorbent gauze is assimilated to the pharmaceutical preparations included in item 247 of the Spanish customs tariff. (This item includes all pharmaceutical products not specified in the tariff, and such products are dutiable at the rate of 2 pesetas per kilo, net weight.)

SWITZERLAND.

Increased Duties on Tobacco.

The Swiss Federal Council has increased the import duties on tobacco from 300 to 600 per cent. The new rates per 220 pounds gross weight are as follows: Snuff and chewing tobacco, 300 francs; waste tobacco, 300 francs; leaf tobacco, 75 francs; cigars, 800 francs cigarettes, 1,200 francs. These rates became effective January 27, 1920.

Restriction on Milk Products.

The Swiss Federal Food Administration has announced a decision, to take effect March 25, 1920, regulating anew the importation of milk products. According to this decision, an authoriation of the Federal Milk Office will be necessary in order to import, after the above date, butter, cream, cheese, and condensed or evaporated milk in shipments of more than 50 kilograms gross weight. This authorization must be presented with the customs declaration at the customs office where the goods enter the country. Shipments which arrive without this authorization will be held by the customs authorities. The decree does not apply to milk the importation of which remains unhampered

The Federal order states that until further advice the butter necessary for the provisoning of the country will continue to be imported by the Federal Milk Office and sold at a uniform price according to market conditions. The importation of cheese and of condensed milk will, also, be made directly by the Federal Milk Office, or by concessionaires who will furnish guarantees to assure a continued and steady supply of these articles to the country.

CUSTOM DUTY DECISIONS.

United States.

The failure of the agent of an importer to whom merchandise was entrusted for carriage into the United States to declare it as instructed does not relieve his principal from its forfeiture. —U. S. v. One Strand Pearl Necklace, 260 F. 671.

In Tariff Act Oct. 3, 1913, par. 1, Free List, par. 652 (Comp. St. par. 5291), permitting free importation of original paintings in oil, including not more than two replicas or reproductions, the words "replicas or reproductions" are intended to embrace only works of the artist who made the original.

Under Rev. St. par. 3082 (Comp. St. par. 5785), providing for forfeiture of merchandise fraudulently or knowingly imported contrary to law, failure of the importer to produce a consular invoice or other evidence required by statute as to the character or value of the merchandise or to declare the same is sufficient to establish a fraudulent importation, regardless of whether or not the merchandise is in fact dutiable.

Technical defects in an information for forfeiture of merchandise for importation in violation of the customs laws will be disregarded, unless timely objection is made.—U. S. v. Twenty-Five Pictures, 260 F. 851.

Uruguay.

According to a decision of January 12, 1920, export duties on salted, refrigerated, and industrial products are to be calculated on net weight.

On February 2, 1920, the Minister of Finance made a decision that machines for stamping and printing addresses, names, and labels, and for office use, shall be subject to an import duty of 8 per cent ad valorem, which is the rate established for lithographic and typographic machines.

By decision of March 22, 1920, gas oil is classified as a product not specified in the tariff, and as such is dutiable at the rate of 31 per cent and the additional taxes, which amount to 14 per cent.

RULINGS OF U. S. BOARD OF GENERAL APPRAISERS.

American Goods Returned

1. Compliance with the provisions of paragraph 404 of the Tariff Act of 1913 relative to the return of articles exported from the United States under the conditions prescribed and the regulations made by the Secretary of the Treasury is a condition precedent to the right of the enjoyment of the privileges extended by that paragraph.

2. In every case of doubt revenue laws should be construed most strongly against the Government. But this applies only to a tax and not where in a revenue law a specific privilege or exemption is granted. If there be any doubt as to the proper construction of a statute granting a privilege or exemption to the citizen, then that construction must be adopted which is most advantageous to the interests of the Government.

3. The provisions of a tariff law are never retroactive unless made so by express language or clear implication.

4. Fur garments sent to Germany in the summer of 1913, prior to the enactment of the tariff law of that year for the purpose of having the same repaired, the value of the new materials used and the labor in repairing the same being more than half of the total value of the garments as returned ,and upon the exportation of which no application or affidavit as required by the regulations having been filed are not entitled to be returned to the United States in 1916 except upon the payment of duty upon the full value of the garments.

Antiques.

Certain tapestries and velvets claimed by the importers, W & J. Sloane, to be free of duty as "artistic antiquities." Because modern materials had been added to these fabrics they ceased to be antiques and properly fell in the class of dutiable articles, Judge Waite, who writes the board's opinion in this case, rules. Accordingly, the tapestries are held to have been properly assessed at 35 per cent ad valorem under paragraph 288, and the velvets at 60 per cent. ad valorem under paragraph 358, Tariff Act of 1913. The contention of the importers that, in appraising the importations for duty, the antique and the modern portion should have been separated, if it was not possible to appraise the entirety as an antique, is also overruled by the General Appraiser.

Beaded Articles.

In this ruling the customs board decides that imitation pearl bead necklaces, complete with clasps valued above 20c per dozen pieces, are not dutiable at the rate of 60 per cent ad valorem, as jewelry under the provisions of paragraph 356, act of 1913, but being more clearly described in paragraph 333, as articles composed wholly or in chief value of beads made of glass or paste or other material, are dutiable thereunder, at the rate of 50 pr cent ad valorem.

It was testified at the trial of this case before the board that this merchandise is sold in the jewelry department of F. W. Woolworth & Co's, 5 and 10 cent stores, but that the jewelry department is not limited solely to articles which would be commonly known as jewelry. The witness testified that the beads of the necklace in evidence were made of hollow glass balls filled with wax, and that merchandise like the sample (Ex-1) would not be classified by him as being in the class of jewelry. On cross-examination he testified that the beads are the type commonly designated as imitation pearl beads, and that the articles are in fact necklaces to be worn around the neck for ornamentation. He testified that he has handled these things for years, and they are commonly and commercially known as beads; that it does not take a jeweler or any one with a knowledge of jewelry to manufacture these beads. "They are simply beads, known commercially as beads, and they are used not only for necklaces but for dress ornaments and other things."

On cross-examination he admitted that jewelry is at times made from beads.

He testified that Exhibit 1 is in chief value of beads; that articles made of metal beads would be considered jewelry, but not wood beads nor glass beads; that a necklace made of real pearls is commercially known as jewelry, but the general trade, as he knows it, has never considered a necklace made of imitation pearls as jewelry, unless it had metal ornaments, which might be considered jewelry. He testified that it would also depend on the general makeup of the necklace as to whether or not it would be considered jewelry, and that Exhibit 1 is not the handiwork of a jeweler.

This view is accepted by the general appraisers, who in an opinion by Judge Sullivan upheld the claim for the lower rate.

Beaded Girdles.

Strings of white and colored beads, plaited or woven into a flat band, nearly three feet in length, terminating at each end in one or more large, colored, gilt or pearl beads and a tassel composed of strings of the same beads as compose the body of the article, known as glass bead girdles, valued above 20 cents per dozen pieces, are not dutiable at the rate of 60 per cent ad valorem, as jewelry within the provisions of paragraph 356, Act of 1913, but as beaded articles at 50 per cent ad valorem under paragraph 333 of the same act.

This decision sustains a protest, claiming the lower rate of duty, filed with the Customs Board by Bernard, Judae & Co., of Chicago.

Cotton Trimmings

Merchandise described as "hemstitch frilling" was the subject of a recent test case. This merchandise was classified by the customs colector as trimmings and duty assessed at the rate of 60 per cent ad valorem under paragraph 358 of the Tariff Act of 1913 as "trimmings not specially provided for . . . of whatever yarns, threads or filaments composed." The importers, J. & J. Cash, Inc., of Bridgeport, Conn., claim duty as fabrics with fast edges not exceeding twelve inches in width at the rate of but 25 per cent ad valorem under paragraph 262 of the Tariff Act. Judge Howell in overruling the claim for the lower duty writes as follows:

"The only testimony in the case is that of a representative of the importing firm and his testimony is wholly insufficient to justify us in making a finding contrary to the return of the appraiser and the decision of the collector. On the contrary it confirms the classification made by the collector that the articles are trimmings, as the witness testified that the articles are principally used as trimming."

Crude Antimony.

The Collector's assessment of duty at the rate of 10 per cent ad valorem, under paragraph 144 of the Tariff Act, on merchandise invoiced as "crude antimony," imported by the Harshaw, Fuller & Goodwin Co., of New York and Cleveland, is affirmed. The importers claimed free entry Judge Fischer, in summarizing the board's findings, writes as follows:

"A mixture composed of 70.3 per cent antimony, 21.2 per cent sulphur, 1.14 per cent iron, and a trace of silica—the whole being the resultant product of ore which has been subjected to the process of metallic fusion known as 'liquidation' —constitutes a matte containing antimony within the meaning of he provision therefor in paragraph 144 of the Tariff Act of 1913."

Dolls in Part of Lace

R. H. Macy & Co. won a decision reducing the duty on dolls, in part of lace. The Collector assessed duty at the rate of 60 per cent ad valorem, under paragraph 358 of the Tariff Act of 1913, the importers claimed classification as dolls or toys, under paragraph 342, with duty at the rate of 35 per cent ad valorem. This claim is upheld in an opinion written by General Appraiser Howell.

Earthenware.

An imported commodity to be dutiable under paragraph 78 of the Tariff Act, must be "common, yellow, brown or gray earthenware," and in a trial before Customs Board must be shown by affirmative testimony to be such. It is not sufficient the Board rules, that the testimony show that the articles in question are "made of natural unwashed and unmixed clay."

The protests in this case, held with the Board by Morimura Brothers, were against the assessment of duty by the Collector, under the provisions of paragraph 79 upon certain earthenware, the protestants claiming that the earthenware in question should have been assessed at the rate of 20 per cent ad valorem under the provisions of paragraph 78.

Judge Hay, in an opinion overruling the contentions of the importers, writes in part as follows:

"In the case at bar the burden of proving that the commodity in question responded to all of the definitive provisions of paragraph 78, was upon the protestant. No witnesses were called and no questions were asked by the protestant's attorney tending to show that the ware in question was common yellow, brown or gray earthenware, all his testimony being directed to the point that it was made of natural unwashed and unmixed clay. We are convinced * * * that these words are the controlling words of the paragraph and that all commodities assessable under that provision of the law must fully respond to these descriptive words.

"There was testimony introduced by the Government tend-

ing to show that the ware in question in this case was not common brown, or common gray earthenware. While this testimony is more or less of a negative character and not entirely satisfying, it is the only testimony in the case which touches that question. The burden, however, was not upon the Government to prove that the ware in question was not common yellow, brown or gray earthenware; but that the protestant, who mentioned that it should be assessed unde that paragraph 79 under which the collector placed it, must prove that fact affirmatively. This he has entirely failed to do. The articles in question vary in character; they are more or less ornamental, some vases, some jardiniers, some statuettes, some match safes, and various articles of a quasi-ornamental and quasi-useful character. In Butler Bros. vs. United States (9 Ct. Cust. ppls., * * *; T .B. 37947), the court in effect holds that articles which respond to the descriptive provisions of paragraph 79, such as vases, statuettes, mugs, etc., cannot, if the characterof the ware is such that it may be embraced in either paragraph, come within the provisons of paragraph 79. But in the view we take of the case at bar it is not necessary to place the decision of this case upon that ground, but rather than upon the ground that the evidence does not show that the articles in question are common yellow, brown or gray earthenware.

Feathers.

Feathers or flues stripped from peacock quills are properly dutiable at the rate of 20 per cen ad valorem under the first clause of paragraph 347 of the tariff law. This ruling sustains a protest of Henri Bendel, Inc., against the collector's assessment of duty at 40 and 60 per cent ad valorem under other provisions of said paragraph 347.

Fish Nets.

Large fish nets or trawls for deep sea fishing, composed of so-called manila hemp, which is shown to be not a true hemp in the tariff sense, are dutiable at the rate of 35 per cent under Paragraph 284 of the Tariff Act of 1913 as manufactures of vegetable fiber not specially provided for, rather than as "nets * * * made of hemp" under Paragraph 271, with duty at the rate of 25 per cent ad valorem. This decision partly overrules and partly sustains protests filed by the W. N. Proctor Company of Boston.

The merchandise in question consisted of large fish nets or trawls for deep sea fishing, composed of manila fiber, i. e. so-called manila hemp, the nets weighing between 500 and 700 pounds. In some instances they were assessed for duty at the rate of 60 per cent ad valorem, under paragraph 358 of the Tariff Act of 1913, while in other instances the goods were assessed at the rate of 35 per cent ad valorem, as manufacturers of vegetable fiber not specially provided for under paragraph 271, and as to the goods assessed under paragraph 358, alternative claims for assessment were made either under paragraphs 271 or 284.

The general appraisers held the merchandise under consideration dutiable under paragraph 284 of the Tariff Act of 1913, as manufacturers of vegetable fiber not specially provided for, at 35 per cent ad valorem. Therefore, as to the goods assessed under paragrauh 358 the Board sustains the protests making such claim, and in the cases where the collector assessed the merchandise under said paragraph 284, his action stands.

Fishing Rod Guides

Agate rings, 6-16ths of an inch in outside diameter and 1-8th of an inch in thickness, the opening in each ring being a little more than 2-16ths of an inch in diameter, used as line guides on fishing rods, are not beads, as claimed by the Union Hardware Co., nor dutiable as such under paragraph 333, act of 1913, at 35 per cent ad valorem. Judge Sullivan, in overruling the claim of the importers for the 35 per cent ad valorem rate, finds that the articles at issue should be classified as manufactures of agate and duty collected at the rate of 45 per cent ad valorem under paragraph 98.

Gauge Glasses.

Gauge glasses, used by railroads on locomotives, were the subject of an interesting reappraisement decision handed down by Judge Sullivan. The general appraiser takes occasion in this ruling to refer to the present methods pursued by the local appraising officers in assessing ad valorem duties on merchandise imported from Germany. The action of the appraising officers in taking the home rather than the export values for customs purposes, even though this method gives to importers of German goods the advantages of lower tariff rates, is upheld. Advances are made on the dutiable values of the gauge glasses at issue.

At the trial of this issue the Assistant Attorney General's office in charge of customs litigation brought up the question regarding the difference in Germany between export prices and inland prices. It was pointed out that the glass manufacturers in Germany have united, under instructions from the German Government, in asking a higher price for merchandise exported than the home price; also that merchandise shipped to the United States is sold in dollars. The tariff law provides that duty is to be assessed on the value in the home market on the date of exportation. Abormal conditions have created a condition in Germany, whereby, for the first time in the history of the customs appraisers the export price is higher than the home price. This means that importers, in entering goods through the customs here, pay duty on the basis of the home rather than the export value, which means a considerable saving in customs rates.

German Goods

The decision sustains protest of Wecker & Company, New York. The board holds that it is not necessary to invoice and enter imports from Germany in American dollars, because German manufactures will not sell for export in marks. The Government contended in this case that because the German manufacturers would not quote in marks for export proved that there was not an open market in Germany for goods shipped to this country.

The merchandise, the subject of this case, consisted of chiffon velvet invoiced and entered in German marks. It was appraised in American dollars, which meant an advance of 35c per yard on black velvet and $1.08 per yard on colored velvet. In the decision just rendered the advance is not upheld, and the importers win their case.

Hide Rope.

"Cuban sisal hide rope," used exclusively for tying hides, is free of duty under the provision in the tariff act for "hide rope". The decision upholds protests of Lunham & Moore of New Orleans. The provision in paragraph 505 of the tariff act for "hide rope," the board rules. is not limited to rope made from cattle hides, as claimed by the Government, but includes also rope commercially known and designated as "hide rope, made from material other than cattle hides. Judge Fischer writes the majority opinion in this case, while a dissenting opinion is written by Judge Weller.

Imitation Jet Necklaces

B. Altman & Co., won a decision reducing the duty on sautoirs and necklaces composed in chief value of imitation jet, from 60 per cent. ad valorem, under paragraph 356 to 30 per cent. ad valorem under paragraph 95 of the Tariff Act of 1913.

Ivory Articles

The tariff rate on colored ivory carved in imitation of various flowers is reduced. Duty was assessed on these articles as artificial flowers under paragraph 347 of the act of 1913 at the rate of 60 per cent ad valurem.

The custom board finds that they should have been classified as "manufacturers of ivory" with duty at the rate of 35 per cent ad valorem, under paragraph 360.

Jacquard Laces

Jacquard figured laces, chiefly used in the manufacture of window curtains, the subject of this case, were taxed at the rate of 60 per cent ad valorem under paragraph 358 of the Tariff act. The importers claimed classification as Jacquard figured upholstery goods, with duty at the rate of but 35 per cent ad valorem under paragraph 258. This claim is upheld in an opinion written by Judge Howell.

Japanese Rugs.

Judge Sullivan finds that as to certain rugs, imported from Japan the Japanese textile consumption tax applied, while as to other rugs it does not apply. It depends upon the method employed in Japan in levying the tax. If it is part of the home market value of the rug it is not to be added to the dutiable value of the rug, the general appraiser finds, in view of the fact that it already has been included.

Japanese Tax Cases

These cases have been pending determination for a long time and involved the question of whether the tax levied by the Japanese Government on certain goods should

be included in the dutiable value of these goods when entered through the American customs.

Summarizing the lengthy and rather technical discussion in the test cases, standing in the name of J. R. Simon & Co. et al., Judge Howell writes:

"The Japanese Textile Fabric Tax Law levies a tax of 10 per cent. on all textiles manufactured in the Empire, but exempts such textiles from the tax when exported to foreign countries. Held that this tax is a part of the foreign market value of hte merchandise (silk fabrics), and that in appraising textile fabrics imported from Japan the tax should be included."

Ornaments.

Duty at the rate of 60 per cent. ad valorem, under paragraph 347 of the Tariff Act of 1913, is fixed on ornaments in the form of artificial flowers composed of leather. This decision overrules a protest of Frederick Loeser & Co., the Brooklyn department store, for duty either at 30 per cent under paragraph 368 and 34, or at 50 pe cent under paragraph 333. Judge McClelland concludes that the collector's assessment at the higher rate was correct.

Photographic Dye.

Judge Sullivan, handed down a reappraisement decision on the dutiable value of a shipment of photographic dye from England. The decision reads:

"Photographic dye, imported by Ilford, Ltd., London, England. Invoice dated January 1, 1919. Goods entered at St. Louis February 19, 1919. File No. 95556. Entry No. 751.

"Red and green photographic dye, invoiced and entered at 40 shillings per gramme, less 10 per cent. Add box and postage. Reappraised as entered. The only issue in this hearing is with reference to the discount of 10 per cent. It was appraised as net. I find from the testimony that the discount of 10 per cent has at all times been allowed, and as that is the only issue the entered value is sustained."

Precipitated Chalk.

The tariff rate on precipitated chalk, imported by the National Aniline & Chemical Company, the R. Hillier's Son Co., the P. E. Anderson Co., McKesson & Robbins and John L. Vandiver, is reduced. In the decision reducing the duty from 25 per cent ad valorem to one-tenth of one cent per pound. Judge McClelland of the customs board writes:

"The special reports of the appariser on these protests state that 'the merchandise consists of precipitated chalk, suitable for medicinal or toilet preparations.' Duty was assessed thereon at the rate of 25 per cent ad valorem under the provisions of paragraph 15 of the tariff act of 1913. Protestants claim that duty should have been assessed at the rate of one-tenth of one cent per pound under paragraph 60 of said act.

"The record shows that the merchandise is similar in all respect to that involved in United States vs. Amerman & Patterson et al (T. D. 38205), and the evidence therein is incorporated and made a part of the record in this case. The claims of the importer are therefore sustained, the decisions of the collector being modified accordingly."

Publications.

The subject of this case consisted of books giving descriptions of the dyestuffs manufactured by the Geigy Company, with directions for the use of same. Duty was levied thereon at the rate of 15 per cent ad valorem under paragraph 329 of the tariff law as books not specially provided for. The importrs contended before the General Appraisers that the books should have been admitted through the customs free of duty under the provision in paragraph 425 of the Tariff Act for "publications of individuals for gratuitous private circulation, "not advertising matter" to the provision for "publications of in an opinion by Judge Fischer. This ruling, summarized, reads as follows:

"The motive which actuated Congress in adding the words "not advertising matter" to the rovision for "publications of individuals for gratuitous private circulation,' was to express clearly its intention to exclude from said provision trade documents and publications gratuitously circulated because of the advertising matter contained therein. Hence, the present books are excluded from said provision, because the samples thereof and the record as well show them to contain purely advertising matter intended to promote the sale of the colors and dyestuffs made by the Geigy Company."

Reliquidation for Fraud.

In this decision the protests of the importers, F. Vitell & Son, are overruled and the following important rules established by the customs board:

1. The collector is not required before he may reliquidate an entry on the ground of fraud after the expiration of one year from the time of entry, under the act of June 22, 187 1874, to go into a court and have that fraud first judically found.

2. Where the collector reliquidates an entry after the expiration of one year from the time of entry upon the ground of fraud the burden of proving the existence of fraud is with him, either in an action in personam in the United States District Court or by protest filed against his action and tried before the Board of United States General Appraisers.

3. When the collector reliquidates an entry after the expiration of one year from the time of entry the importer has two remedies, either of which he may elect. The one is to refuse to pay, in which event the collector would have to commence an action in personam in a court of competent jurisdiction; the other, he may pay the duties assessed upon reliquidation and file a protest under paragraph N of Section III of the tariff act of 1913.

4. The Board of United States General Appraisers under existing law is a tribunal peculiarly competent to consider and decide a question of fraud arising in the reliquidation of an entry after the expiration of one year from the time of entry under the provisions of the act of June 22, 1874.

5. Full credence should be given to the testimony of an accomplice where that testimony is corroborated by the facts and circumstances which surround the transaction about which the testimony is given.

6. The collector may reliquidate an entry after the expiration of one year from the time of entry upon the ground of fraud under the provisions of the act of June 22, 1874, even where that fraud has not been participated in by the importer or brought to his knowledge. It is the fact that the Government was deprived of the revenues justly due it regardless of who was the perpetrator or who had knowledge of the fraud that authorizes the reliquidation.

7. While fraud is never presumed it may be established by evidence which shows a wide discrepancy between the weights upon which the entry was liquidated and the weights correctly ascertained by public weighers upon delivery of the merchandise.

Rock Sugar.

Rock candy, invoiced as "rock-sugar," is properly dutiable at the rate of 2 cents per pound under paragraph 180, Tariff Act of 1913, as "confectionery." This decision overrules a protest of the importers, Chew Chong Tai & Co., of San Francisco, for classification of the merchandise as "sugar," with duty at the appropriate rate, under paragraph 177.

Steamer Rugs.

In a decision handed down the Board overrules protests of the Rice Stix Dry Goods Company of St. Louis and Sears, Roebuck & Co., of Chicago. In these protests, the importers objected to the collector's assessment of duty at the rate of 35 per cent ad valorem on imported steamer rugs. The rugs in question were classified as manufactures of wool, under paragraph 288 of the tariff act of 1913, and the importers claimed that they should have been classified as "blankets" under paragraph 289 of the tariff act, with duty at the rate of but 25 per cent ad valorem. The claims for the lower duty are denied in an upinion written by Judge Brown of the customs board.

Tintometers.

Tintometers for measuring the depth of color in liquids or solids, without lenses, or glass of any character, are not optical instruments under paragraph 93, but dutiable as manufactures in chief value of wood under paragraph 176.

Certain standards of colored glass imported with the tintometers, but invoiced and priced separately, are dutiable not as parts of the tintometers at the same rate but as manufactures of colored glass at 45 per cent ad valorem under paragraph 84.

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THE WEBB - POMERENE ACT DEVELOPMENTS.

by Hon. Huston Thompson,
Vice-Chairman of the Federal Trade Commission,
Formerly Assistant Attorney General of the United States.

It is but a brief span since the United States had but one problem industrially speaking: that was the domestic problem. Machinery has forced us from our domestic isolation into the international game. At this very moment men are designing and planning a flight of aeroplanes to South America. The human bird will undoubtedly within the next twelve months hop off from our Western coast and wing his way to Asia at a speed of more than three hundred miles an hour. A Zeppelin in Germany, purchaseable at a very reasonable price and capable of carrying considerable freight, awaits the American buyer. The human voice is heard around the world with perfect distinctness. The word is no sooner uttered than it vibrates against the eardrum of a human being ten thousand miles away. Internationally we have no isolation. Industrially we are already in the markets of the world, just as much as governmentally we have become next-door neighbors of the other nations.

Our production has been so speeded up and expanded that unless we would let our whole economic fabric go down we must carry our surplus to the waiting consumer of other nations.

How shall this be done, and at the same time quiet the domestic consumer who fears that competition in the foreign market will cause discrimination against the home consumer? This is the problem that confronts us. It was the problem that confronted Congress when it drafted the Webb-Pomerene Act. Congress answered it domestically speaking by reposing in the Federal Trade Commission powers of supervision and control over those wishing to export in combinations, and the regulation of competition between competitive units projecting their activities in foreign markets.

Whether the Webb-Pomerene Act shall serve as a successful vehicle by which we shall reach those foreign markets and obtain our fair share of their business depends in very great part on us. There is but one obstacle in the way; there is but one problem to meet. If we would solve it let us instead of attempting first to capture the business of the foreign markets, capture first and keep always the confidence of the people in those markets.

Our attitude toward competitors of other nations in the foreign markets shall be one of friendly competition based upon price, quality, service, and efficiency. We shall expect to be accorded the same benefits resulting from such competition based upon price, quality, service, and efficiency. We shall expect to be accorded the same benefits resulting from such competition.

It was this conception and vision that President Wilson and our Congress had when the Webb-Pomerene law was enacted. Whatever may be said of this Act, it was passed by legislators who had high hopes that they were doing that which would benefit American business men, would not injure the domestic consumer, and would not exploit the foreign consumer.

It was the hope of the proponents of the bill that it would enable the small manufacturers and producers of America by combining and thereby saving prohibitive overhead expenses to get their goods into the foreign market where formerly they were unable to do so; that in cutting down the expenses of reaching the foreign market American exports could be sold in competition at a lower price, and thus benefit the foreign consumer. It was expected that the sections of the act giving control to the Federal Trade Commission, not only of the Webb-Pomerene combinations but all of the American exporters in foreign markets, and of their competitive methods in relation thereto, would result in regulating competition in the foreign market between American competitors, just as much as competition is regulated in our domestic market; that such regulation could only redound to the benefit of the home competitor in the foreign market or to the competitors of other nations. It was believed that full protection was given by the act to the domestic market from the possibility of exploitation through the supervision of the Federal Trade Commission.

The fears of the Congressional minority were bottomed on the idea that this law would mean the breaking down of the Sherman Act; that it would seriously injure domestic trade; that the Webb-Pomerene Associations might be used as a means of price fixing for domestic sales and that competition in domestic trade would be inevitably eliminated when those composing the Webb-Pomerene Associations gathered together and exchanged information for the purpose of forwarding their export business.

The law had hardly been enacted when criticisms from business men and organizations of other countries sounded the alarm. Attacks were hurled at the law from business in every corner of the globe. The press and business organizations of men of the Argentina, Great Britain, Australia, Sweden, Norway, Denmark, and other nations combining for the purpose of invading foreign markets, and also combining to purchase imports, criticised the Webb-Pomerene Act for permitting our industries to do in exporting just what they had been doing. In Great Britain alone there were over five-hundred combinations in 1919.

It is strange that the foreign critics of the Act, who must have read it in a most cursory way, failed to take notice of that section which gives the Federal Trade Commission the power to prevent unfair competition among the American exporters and to follow through their transactions to culmination.

Though hostility to the law still prevails in Australia and other countries, it is pleasing to note that our Canadian cousins, having closely observed its effects, have stated their belief that the Webb-Pomerene Act in due time will prove a factor in increasing the trade of the United States with their markets.

It will be noted that the criticisms aimed at the law do not come from foreign governments or consumers, but from foreign competitors. The officials of these governments have suddenly become awake to the same situation that confronted our Congress when drafting the Webb-Pomerene Act. In the effort of their manufacturers to push their foreign trade, these governments fear a danger to their domestic consumer. Their problem is well stated in the language of President Wilson in his address to Congress on December 5, 1916, when advocating this bill he said:

> "We should clear away all legal obstacles and create a basis of undoubted law for building up our export trade,—a law which will give freedom without permitting unregulated license."

In the parliaments of Great Britain, Argentina, the Netherlands, Sweden, Norway, and Denmark this dual problem is being debated. The only solution seems to them to point toward the creation of a body such as our Federal Trade Commission with regulatory control over their manufacturers in foreign trade. Canada, after an intimate study of our Commission, enacted a law similar to our Federal Trade Commission Act. Australia and New Zealand have already created bodies similar to the Federal Trade Commission, but no other nation has given any governmental body the authority to regulate the acts of its manufacturers and producers beyond its own shores. To America alone belongs the honor of being the first to take such an advanced step.

Such is the background in which the Webb-Pomerene Act has been making itself articulate. Such have been the fears at home and the hostile criticism abroad. For two years the law has been in existence. How far have the hopes and fears been realized? The answer would undoubtedly have been much more definite if times had been normal. Six months of its existence was covered by the fighting period, and eighteen months have elapsed since the Armistice. It is hard to imagine two years more abnormal.

RECORDS OF ACT'S WORK.

The Commission has been proceeding with great care in the administration of the Act. It set up the machinery immediately upon the enactment of the law, and began an intensive study of the situation in the foreign markets, the attitude of foreign competitors, and the international problems confronting not only our own nation but other nations. While action under the law is only in its infancy, already much of interest has come to light as revealed by the records and files of the Commission. Let them tell their story:

They appear to demonstrate that the criticism so often charged against our exporters of failing to cultivate and maintain permanent trade relations abroad and too often withdrawing from a particular foreign market as soon as more attractive oportunities present themselves at home or elsewhere, will not apply to associations operating under the Webb-Pomerene Act.

In several cases such export associations have made a close study of a particular foreign market through a special committee, or through an expert representative who went abroad for that purpose, and later, on the basis of such first-hand advice, either established permanent connections or concluded to keep out of the given market rather than take a speculative risk. If a far-sighted policy of this kind is followed generally in the future,—and Webb- Pomerene law associations apparently lend themselves readily to such a plan,—the export trade of the United States, as a whole, cannot fail to gain in prestige, and one of the fundamentals of success in foreign trade will be achieved.

Disregarding the concerns which for one reason or another did not qualify under the provisions of the Act, there are now forty-two which have filed their charters, articles of Association, agreements, etc., with the Federal Trade Commission in compliance with the Export Trade Act.

A better picture can be formed of how the Act affects our national industrial life if we realize that these export associations comprise a total of 734 members, whose plants and factories, numbering about one thousand, are distributed over forty-six states of the Union. In the State of New York there are 118 plants, in Pennsylvania, 87, Massachusetts 81. Along the Pacific Coast we find 15 plants in California, 62 in Washington, and 19 in Oregon. In the North Central States there are 35 in Illinois, 46 in Wisconsin, 29 in Minnesota, and 18 in Michigan. In the South there are 16 in Texas, 5 in Louisiana, and 10 in Florida.

The products and commodities exported by the different export associations are drawn from all sections of our country. From California go out lumber, hardware, chemicals, fertilizer, general merchandise; from Illinois, meats, evaporated milk, iron and steel, lumber, distilled spirits; from Maryland, paper, canned foods, leather; from Massachusetts, textiles, paper, hardware, soda pulp. Other commodities shipped from various states are copper, agricultural and textile machinery, building materials, cement, locomotives, webbing material, paints, varnishes, dyestuffs and tanning materials, phosphates, soap, and cereals, including wheat and corn products.

The individual members of the associations constitute small and large concerns, some with as small a capital as $10,000, and employing but a small number of workmen. In some of the larger plants thousands of American workmen are employed.

Viewing the situation as a whole, therefore, we see the effects of this new trade machinery reaching out into every part of our country, opening up new arteries of commerce, stimulating industrial life, and above all, helping to promote our export trade.

In order to procure first- hand information as to the actual functioning of the Webb-Pomerene law, the Federal Trade Commission some time ago sent out a questionnaire to the various export associations which had filed papers with the Commission up to that time. Among other things the Commission requested an expression of opinion as to the conditions met, the obstacles encountered, and the success experienced by the individual associations. The replies received, for the most part, expressd satisfaction over the results obtained under the law.

LEGAL PROBLEMS UNDER THE ACT.

From the legal point of view the Webb-Pomerene Act presents a number of important problems, some entirely novel in the history of commercial legislation. In dealing with them one should bear in mind; (1) the difficulty of framing legislation on as changing and elusive a subject as foreign trade, and (2) that with the Webb-Pomerene law Congress ventured on an uncharted sea.

The questionnaire brought out some interesting facts which have primarily a legal bearing. Of these the outstanding one centers around the question of whether or not it is lawful under the Webb-Pomerene law for an export association to ship goods to the Philippine Islands, Porto Rico, and Hawaii. It has been contended that from the practical business man's point of view trade with the Philippines is looked upon as export trade, since it involves over-seas shipment, special packing, bills of lading, marine insurance, foreign landing arrangements, etc.

Business with Philippines, it is alleged, required a knowledge of the Philippine tariff and the carrying on of correspondence in a foreign language.

Ordinarily, all matters of that kind relating to export

shipments are handled through the central sales organization of export associations. In view of the fact, however, that certain associations have been advised by their counsel that business with the Philipines might be considered as domestic trade under the Webb-Pomerene law, such business is handled separately from the export business. Such segregation means a duplication of office staff and extra expense. Thus far five asociations have expressed a desire for clarification of this matter, and all seem to agree that from the technical business viewpoint trade with the Philippines should be considered export trade under the terms of the Webb-Pomerene Act.

The legal difficulty in the whole matter arises out of the provisions of the Webb-Pomerene law, which defines the term "export trade", as used in that Act, as meaning "solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported from the United States or any Territory thereof *to any foreign nation.*" The decisions of our courts seem to agree that the Philippines and Porto Rico are not foreign nations. Consequently trade by an export association from the United States to the Phillippines and Porto Rico would seem not to be "export trade," as that term is used in the Webb-Pomerene law.

Furthermore, the weight of the court decisions seems to be to the effect that the Philippines and Porto Rico are territories of the United States. As matters stand, therefore, it appears that there is no provision in the Webb-Pomerene law which would allow export associations to ship goods to the Philippine Islands or to Porto Rico from the United States.

Section 10 of the Philippine Act provides that trade between the Philippine Islands and the United States shall continue to be governed by Congress. It is then a matter within the province of our legislative body to say how the Phillippines shall be regarded.

A second legal problem brought out by the questionnaire involves the question of whether or not export associations may import goods into the United States. This question resolves itself into several distinct propositions. What I shall write in regard to this is my personal view only.

The consensus of opinion among lawyers who have expressed themselves to me on the subject is to the effect that, as the Webb-Pomerene law stands now, association can not engage in import trade as that term is currently used. The Act explicitly provides that it exempts from the Sherman law "an association entered into for the *sole* purpose of engaging in export trade and actually engaged *solely* in such export trade." It furthermore defines the term "export trade" to mean "solely trade or commerce .... exported .... from the United States .... to any foreign nation" The legislative intent was brought out in unmistakable language during the debates on the Webb-Pomerene bill. Congressman Webb, author of the bill in the House, and others plainly stated that the bill was confined to export and that export cannot mean import. The same gentleman also remarked in the course of the debates that "some think that we should allow the buying agencies for import trade, but this bill does not permit such, but only agencies or associations to engage *solely* in export trade." This situation appears to be generally understood now.

However, the economic changes resulting from the world war and incident to our present period of reconstruction have created entirely new conditions and situations in world trade. Barter has partly supplanted the customary media of exchange, and payment in the form of gold or silver for export shipments is not always possible. In Switzerland a quasi-official barter office has been in operation for many months for the purpose of facilitating trade with foreign countries. A situation may arise where in view of the unstabilized financial conditions an export association would be confronted by the alternative of receiving payment in the form of raw materials or manufactured products or of suffering financial loss. It has been contended that the acceptance of such commodities in payment and the bringing of the same into the United States would constitute a necessary incident to the export transaction and a legitimate means of closing the same. It is assumed all the time, of course, that no restraint of trade, unfair competition, or price manipulation, would be involved, for otherwise Section 73 of the Wilson Tariff Act of 1894, which prohibits imports under those conditions, would apply.

In justification of such a transaction, it has been argued that the export association would be acting primarily as a seller and not as a buyer or importer, and that its bringing into the country of goods acquired through barter would no more constitute ordinary importing than would the bringing back by mail or express of payment in the form of gold, silver, or other money instruments.

Granting for the sake of argument its justification because of the emergency, we are confronted with a difficulty under the provision of the Webb-Pomerene Act, which states that "export trade" shall not be deemed to include the production, manufacture, *or selling for consumption or for resale within the United States.*

A third problem presents itself in the following form, viz., what to do with goods assembled in this country for export and not deliverable by the export association because the foreign buyer has cancelled the order or for some other reason. May an export association, after all reasonable efforts to dispose of such goods abroad, or to someone else for export, have failed, sell them within the United States? It can readily be seen how a situation like this may arise, and involve a heavy loss unless the association can dispose of such goods left in its hands in this country.

The provision of the Act prohibiting selling for consumption or resale within the United States is worded so carefully that any atempt to enlarge its scope through liberal construction would probably not pass muster before our courts. The Judiciary and Interstate Commerce committees of the House and Senate, as is evident from the reports of their hearings on the Webb-Pomerene bill, gave very close study to the phraseology of the Act.

In the copious debates during the several sessions of Congress that the bill was under consideration, its various provisions were carefully gone into and considered from many points of view, with the result that a rather rigidly drawn statute was enacted.

It lies within the power of Congress to amend the Act, and until that branch of our Government sees fit to do so, a policy of widening the scope of the Act by administrative rulings and interpretation, extending beyond the obvious intendment of the language and its intent as expressed by its author, would not in my opinion be within the province of the Commission.

CONCLUSION.

There have then been some positive results from the two years' trial of this law. It has made it possible for the small manufacturer and producer to get his surplus into the foreign market. It has put the export business of this country functioning under this law upon a more economic basis. It has saved overhead expenses. Our manufacturers have been taught to cultivate a permanent market. Through the study of a prospective market it has prevented exporters from taking a speculative chance.

Thus far there have been no complaints brought to the notice of the Federal Trade Commission from foreign consumers against those operating under this law. The abnormal times have made it impossible to determine what effect sales through Webb-Pomerene Associations have had on the domestic market. The Commission under the authority granted to it by Section 4 to extend the powers granted under the Federal Trade Commission Act to competitors of our country engaged in export trade, who have not combined in a Webb-Pomerene Association, has already been a corrective force and influence in the matter of preventing unfair competition between such exporters.

As an American citizen and as a Commissioner of the Federal Trade Commission I shrink from using the words "unfair methods of competition" in connection with any of our business interests here or abroad. I rejoice as do my associates when I am able to vote to dismiss an application for a complaint by one competitor against another. However, the mandate of the law is upon the Commission and when we have reason to believe that an unfair method of comptition has been practiced there is no alternative but to respond with administrative action. I, nevertheless, think the time is coming when American industries, having discovered that the Federal Trade Commission is umpiring in the competitive game of business, will gladly refrain from acts which unregulated competition caused to arise in the past.

It is only fair to say that American export business submits itself today under the Webb-Pomerene Act just as our domestic business does under the Federal Trade Commission Act to the supervision of an arbiter on the matter of competition in a manner not required of the industries of any other nation ;that today by the Webb-Pomerene Act we are the only nation which has empowered a Govermental department to stop unfair practices between our exporters, whether they be in China or South America or any other part of the world; that in view of this control of the actions of our business men in other countries, this law should be welcomed as a boon to the consumers of the countries to which we export, and should not be feared by foreign competitors.

Since we have taken this step is it not proper that we should invite the other nations of the world to likewise supervise their exporters in their methods of competition. Until the other nations do so, the final great step in the reorganization of the world's business is likely to be delayed, i.e., the formation of an International Trade Commission by the nations of the world. It is a most hopeful sign that the Pan-American Financial Congress, lately convened in Washington, declared in favor of such an international trade commission for the Pan-American Republics. In inviting our friends to take this step, we hold out to them as our purpose and intent that which is so beautifully phrased in the speech of President Wilson, in his message to Congress on May 20, 1919, wherein he says:

> "I believe that our business men, our merchants and our capitalists will have the vision to see that prosperity in one part of the world ministers to prosperity everywhere; that there is in a very true sense a solidarity of interest throughout the world of enterprise, and that our dealings with the countries that have need of our products and our money will teach them to deem us more than ever friends whose necessities we seek in the right way to serve."

THE CORPORATION TAXES IN SPAIN.

Heretofore foreign companies could carry on business in Spain under tax laws which were not repressive. They might have acted through representatives who were resident agents or they could have established branches which were organized as limited liability companies. The tax upon resident agents ranged up to 6,000 pesetas per annum. Foreign branches paid taxes on the capital devoted to the business in Spain or upon profits, according to whether one or the other method yielded more to the Spanish treasury.

During the last decade there has been in process of development a demand for legislation favoring Spanish key enterprises over those representing foreign capital. Laws were passed granting subsidies to companies which purchased their materials in Spain and limited the percentage of stock held by foreigners. Since the World War the demand has grown that Spanish companies in general be placed in a position more favorable than foreign enterprises.

Recent Laws.

In the closing days of the recently adjourned Cortes, laws were passed which go far toward this standard. Legislation adverse to foreign enterprises was directed especially against foreign banks, but the provisions of the law signed under date of April 29, include also clauses which appear to affect adversely almost all foreign companies doing business in Spain.

After establishing new rates of taxation the new measure contains provisions concerning the conditions under which foreign companies shall be considered taxable in Spain under the rates of the tariff established in the law. A free translation of the more important clauses follows:

Second provision.—For the purpose of the preceding provision a foreign enterprise will be understood to be doing business in Spain when it has in one or several of the Provinces of the Kingdom factories, workshops, stores, or other establishments, branches, agencies, or representatives authorized to contract in the name and for the account of the enterprise.

The operations carried on in Spain by foreign companies by means of special organizations for sale or simply for the centralization of the orders which various enterprises may fill, create for said enterprises the obligation to pay taxes in Spain even in the case that the organization for sale or the centralization of orders may have its own legal personality and may be liable to the payment of taxes in the kingdom under this very rate. The decision on the fact as to whether a company acts as a sale organization or for the centralization of orders lies in the competence of the Jurado de Utilidades.

Article 6.—The Jurado de Utilidades shall be constituted in the Ministry of the Treasury and shall be formed of the chief directors of "Contribuciones y del timbre del Estado," two bankers, managers, or directors of banks which possess Spanish nationality designated by the Council of Ministers on the proposal of the Treasury Department, and two officers of the Ministry of the Treasury designated by the Minister. After having made the necessary investigation in each case the Jurado de Utilidades shall take its resolutions according to the promptings of conscience and by majority vote. In case of a tie the president shall decide The competence of the Jurado de Utililades outlined in the first provision of article 2, and in the second, fifth, eighth, ninth, and thirteenth provision of article 3 can not be modified except by law. The resolutions of the Jurado de Utilidades shall necessitate, in order to be put into effect, the approval of the Minister of the Treasury. If he dissents he shall submit the affair within the maximum period of one

month to the council of ministers which shall decide definitely. The judgments of the council of ministers and those of the Jurado de Utilidades in matters within their own power shall not be impugnable by litigation (no son impugnables en la via contenciosa).

Basis of Taxation.

Another provision of the law of April 29 provides the basis on which foreign companies shall be taxed. It provides that there shall be taxed.

B. In the case of foreign enterprises which carry on business within the Kingdom and outside of it, the proportionate part of the profits and in the proper case of the capital corresponding to the proportionate amount assigned to the business of the enterprise in the Kingdom. This amount can not be in any case less than one-tenth, and its determination lies within the competence of the Jurado de Utilidades.

This statement appears to have a direct bearing upon the liability to taxation of foreign companies with branches in Spain and to sociedades anonimas organized as virtual branches of American companies. The application to the latter should be considered in connection with the terms of the Royal Decree of April 25, 1911, which reads:

Article 4.—Those societies shall be considered Spanish for the purpose of this decree which are constituted under the provisions of Spanish legislation and which have taken out their incorporation in Spain.

In spite of what is provided in the preceding paragraph the administration may consider as foreign societies, for the purpose of valuing their capital as a basis of taxation, the companies which although complying with requirements outlined in the above paragraph, have one of the following characteristics:

(a) When the administrators of the company lack Spanish nationality or, although possessed thereof, are not domiciled in Spain in sufficient number to take decisions concerning the business of the company by themselves.

(b) Whenever the persons legally charged with the administration of the company are dependent upon some foreign entity, whether because of their situation as employees or by contracts or stipulations to that effect.

(c) Whenever, because of the corporate name inscribed in the register or because of any words of which the company may make use in advertisements or documents relating to its mercantile business, it appears that the society in Spain is a dependent of a foreign organization.

(d) Whenever it appears on reliable evidence to the Spanish administration that there exists in the power of some foreign entity enough of the capital stock to allow it to impose its decisions upon the stockholders' meetings and upon the commercial transactions of the company in question.

THE ITALIAN FOREIGN-EXCHANGE REGULATIONS.

Royal decree No. 471, dated April 18 and published in the Gazzetta Ufficiale of April 24, 1920, gives sweeping general powers to the Minister of the Treasury, acting in concert with the Ministry of Industry, Commerce, and Labor, in the regulation of dealings in foreign exchange in Italy. By virtue of this newly granted authority, the Minister of the Treasury published in the above-mentioned issue of the Gazzetta Ufficiale two ministerial decrees which are aimed so to govern the exchange market that speculative trading in lira exchange will be narrowly limited, if not suppressed.

Special Exchange Sessions.

By the terms of these two ministerial pronouncements the Italian borse are to hold special half-hour sessions every morning from 11 o'clock to 11.30, which will be devoted to dealings in foreign exchange. These sessions will be open only to those brokers, banks, banking firms, and others who are specially authorized to carry on business in foreign exchange. Afternoon meetings will also be held, devoted exclusively to exchange dealings, in spaces separate from those occupied by persons engaged in other transactions on the borse. At these sessions, each of which will have present a representative of the National Exchange Institute, speculative commitments in foreign exchange are prohibited.

Dealer's Authority Revokable.

The buying and selling of foreign credits are to be confined to those banks, banking houses, brokers, and others (individuals or organizations) who are specially licensed or authorized to engage in this branch of financial operation. Unauthorized persons or firms, possessing no license, are forbidden to make a transfer of funds, even in Italian lire, for the account of a foreign depositor, correspondent, creditor, or debtor, except through a duly authorized dealer in foreign exchange.

The new ministerial decrees delegate power to the National Exchange Institute to supervise closely all dealers and transactions in foreign credits. The institute may report to the Minister of the Treasury the names of those authorized dealers who violate the rules governing exchange business. Following such a charge by the institute, the Minister of the Treasury may cancel the offender's authority. The decision of the minister revoking such authority is not subject to appeal. Inspectors of the Exchange Institute may, in the course of their investigations necessary to the enforcement of the decrees, call upon banks to produce for the closest scrutiny, their books, correspondence, details of foreign loans, and all other documents that may pertain to the inquisition.

Periodical Reports.

Banks and banking houses authorized to carry on exchange operations must render fortnightly reports to the Exchange Institute, in which must be shown in detail the credit and debit balances resulting from their foreign business. Shipping and insurance companies are required to submit similar reports every quarter. Italian manufacturers who import raw materials necessary for the conduct of their business may finance the importations only through banks authorized to deal in foreign exchange.

Request for Purchase of Credits.

Intending buyers of foreign credits may purchase only from authorized banks or individuals. An application for the purchase of exchange must be made out in duplicate and a copy transmitted to the Exchange Institute. The proposed use of the credit desired must be fully set forth. Supporting documents that bear out the statements made in the application must be attached. When the foreign credit is desired in order to pay for foreign goods that require special permission for their introduction into Italy, the special permit must first be secured and transmitted with the application.

The operations of money changers, who do such an extensive business in Italian cities, are limited to furnishing travelers bound for foreign countries with the sums necessary to carry them to their announced destinations. The adequacy of the amounts necessary for such purposes is to be determined by the Exchange Institute. If larger sums of foreign money are sought by travelers than a money changer is permitted to pay out, they must be obtained from an authorized exchange dealer.

STATE DEPARTMENT RULINGS.
(War Trade Board Section)

Special Export License No. Rac-77.

The War Trade Board of the Department of State announced (W. T. B. R. 841) that Special Export License RAC-77, W. T. B. R. 833, has been extended and reissued, effective July 8, 1920. Special Export License RAC-77 as amended will authorize the exportation by freight or express, without individual licenses to all countries in the world, of all commodities, whatsoever, except (1) certain commodities as listed below when destined to Russia, Hungary, the Republic of Austria, Bulgaria, or Turkey; (2) arms, ammunition, and explosives consigned to China; (3) arms and munitions of war consigned to Mexico, the control over the exportation of which has been vested in the Secretary of State (W. T. B. R. 830, issued September 22, 1919.)

An Individual export license must be obtained before any of the commodities hereinafter mentioned may be exported to Russia, Hungary, the Republic of Austria, Bulgaria or Turkey. The importation into the above named countries of the following commodities will be restricted, and individual export licenses will be granted only in exceptional cases:

Aircraft of all kinds, including aeroplanes, airships, balloons and their component parts, together with accessories and articles suitable for use in connection with aircraft.

Apparatus which can be used for the storage or projection of compressed or liquified gases, flame, acids, or other destructive agents capable of use in warlike operations, and their component parts.

Armor plates. Armored motor cars. Arms of all kinds including arms for sporting purposes and their component parts. Barbed wire and implements for fixing and cutting same. Camp equipment articles of, and their component parts. Clothing and equipment of a distinctively military character. Electric appliances adapted for use in war, and their component parts. Explosives, especially prepared for use in war. Field glasses. Cases for war purposes. Guns and machine guns. Gun mountings, limbers, and military wagons of all descriptions. Harness or horse equipmet of a military character. Implements and apparatus designed exclusively for the manufacture of munitions of war, or for manufacture or repair of arms or of war materials, for use on land or sea. Mines, submarines and their component parts. Projectiles, charges, cartridges, and grenades of all kinds and their component parts. Range finders and their component parts. Searchlights and their component parts. Submarine sound signaling apparatus and materials for wireless telegraphs. Torpedoes. Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.

Individual export licenses are required for the export to Russia of the following commodities, and will be granted when exporters submit convincing evidence that the articles are destined for civil purposes only:

Locomotives, railroad material, and rolling stock. Motor cars (freight or passenger) and component parts.

The exportation to Russia, the Republic of Austria, Hungary, Bulgaria and Turkey of the following articles, viz. barbed wire and implements for fixing and cutting the same, articles of camp equipment and their componet parts, military wagons of all descriptions, and harness or horse equipment of a military character, is forbidden only on account of the military use to which such articles can be put. If exporters have information showing that the articles are destined for civil purposes, the same should be submitted with their applications for export licenses.

Exporters who desire to make shipments under Special Export License RAC-77, need only present their Shipper's Export Declarations (Customs Cat. 7525) **in duplicate,** (see W. T. B. R. 828 issued August 21, 1919), to the Collector of Customs at the ports of exit for endorsement to permit the shipments to proceed.

Special Export License No. Rac-42.

The Board announced (W. T. B. R. 842) the revision of the regulations under which shipments of certain origin and destination, the importation of which has been otherwise licensed, may be exported without an individual export license when the same are conveyed in transit through the territory or via any port of the United States. This regulation, effective July 8, 1920, amends W. T. B. R. 834, issued September 30, 1919, and extends the scope of Special Export License RAC-42 as hereinafter described.

Special Export License RAC-42 has been issued through the Customs Service and authorizes the exportation of shipments of all commodities which are conveyed in transit through the territory or via a port of the United States when originating in any foreign country and destined to any country of the world.

Provided, however, that this license does not authorize the shipment to Russia, Hungary, the Republic of Austria, Turkey or Bulgaria of the following articles to-wit:
(Same list of articles enumerated in special export license No. RAC-77 above).

And provided also, that this license does not authorize the shipment to Russia of the following articles, to wit:

Locomotives, railroad material and rolling stock. Motor cars (freight or passenger) and their component parts.

Special Export License Rac-52.

The Board announces (W. T. B. R. 843) the revision of Special Export License RAC-52 (W .T. B. R. 835, issued September 30, 919,) covering certain shipments to foreign countries **by mail,** effective July 8, 1920.

(1) Special Export License RAC-52 has been issued through the Post Office Department to permit any local postmaster to accept without individual license shipments of all commodities when destined to any country in the world.

(2) In making shipments under this special license (RAC-52) it is not necessary to make any application for license nor to present a license of any kind to the postmaster.

(3) All shipments made under Special Export License RAC-52 must be made my mail and are subject to the regulations of the Post Office Department.

General Enemy Trade License.

The Board announced (W. T. B. R. 845) that the General Enemy Trade License described in W. T. B. R. 814, issued July 20, 1919, has been amended effective July 8, 1920. The above mentioned General Enemy Trade License as now amended authorizes all persons in the United States, on and after July 8, 1920, to trade and communicate with all persons with whom trade and communication is prohibited by the Trading with the Enemy Act; **subject, however,** to the following specific limitations and exceptions to wit:

1. The above mentioned general license does not affect existing export and import regulations of the War Trade Board Section or regulations which may be promulgated hereafter.

2. The above mentioned general license does not authorize any trade with respect to any property which heretofore, pursuant to the provisions of the Trading with the Enemy Act as amended, has been reported to the Alien Property Custodian or should have been so reported to him, or any property which heretofore, pursuant to the provisions of said act, the Alien Property Custodian has seized or has required to be conveyed, transferred, assigned, delivered or paid over to him; **provided, however,** that nothing contained in this paragraph 2 shall be held to prohibit communications which constitute merely inquiries or information concerning the property hereinabove described, or to prohibit trade with respect to any property which the Alien Propety Custodian has stated in writing he would not seize or require to be conveyed, transferred, assigned, delivered or paid over to him, such communications and trade with respect to the property described in this proviso being fully authorized by the General Enemy Trade License hereinabove referred to.

General Import License Pbf-37.

The Board announced on July 16, 1920. (W. T. B. R. 846) that General Import License PBF 37 W. T. B. R. 825, issued August 15, 1919 as revised and extended now permits the importation into the United States from all countries of the world without individual import licenses of all commodities excepting synthetic organic drugs, synthetic organic chemicals, dyestuffs, products derived directly or indirectly from coal-tar, including crude and intermediate products and mixtures and compounds of such products, for the importation of which commodities individual import licenses will continue to be required.

Rules for Controlled Commodities.

All applications for licenses must be made in triplicate on Form M provided for the purpose. The rules and regulations must be complied with strictly.

Dyestuffs From Germany.

Licenses for the importation of dyestuffs of German make or origin, similar kinds or satisfactory substitutes of which are unobtainable in the United States on reasonable terms as to price, quality and delivery, may be granted in limited quantities for use of consumers to meet their own special manufacturing requirements, in conformity with special rules and requirements as follows:

A letter stating clearly the requirements must accompany the application for license. Allocation Certificates must

be secured from the War Trade Board Section. On request, special forms will be furnished consumers for application for Allocation Certificates, which, when granted will entitle the consumer, on import application therefore, to the War Trade Board Section, to licenses for the importation of such German dyestuffs as may be enumerated on the Allocation Certificates. Such Certificates must be transmitted to the War Trade Board Section with completed import applications (Form M) for licenses in order to receive attention. Allocation Certificates may be, at the option of the consumer, indorsed over to an importer or other person to accomplish such importations, in which case the indorsee should complete and transmit Import Application (Form M) accompanied by corresponding Allocation Certificates, to the War Trade Board Section.

Dyestuffs from Non-Enemy Sources.

Import Applications (Form M.) for licenses for the importation of dyestuffs and for intermediates entering into the manufacture of dyestuffs of non-enemy manufacture, must be confined to quantities not in excess of six months manufacturing requirements, and must be accompanied by affidavits or signed statements from ultimate consumers to the effect, if true, that the dyes, indicating them, in the quantities asked for, are not in excess of their manufacturing requirements for a period of not exceeding six months from the date of receipt, and agreeing to notify the War Trade Board Section of the date of their receipt. In completing Import Applications for licenses definite information must be furnished showing the name of the country in which produced and the name and address of the producer in order to have applications receive attention.

Synthetic Organic Drugs and Chemicals from Germany.

Licenses are not being granted for the importation into the United States or its possessions of synthetic organic drugs or synthetic organic chemicals of German make or origin, if the same drugs or chemicals, or satisfactory substitutes are obtainable in sufficient quantities from domestic sources on reasonable terms as to price, quality and delivery, to supply domestic requirements. Accordingly, applications for licenses for the importation of such commodities from Germany or of German make, must show the chemical as well as the trade name, or the chemical character or composition, as may be, of each article, together with all other information available which will serve to aid in its identification, including the statement, if true, that the article or a satisfactory substitute for the purpose is unobtainable in the United States, or if obtainable, is unobtainable either in sufficient quantities or in required quality, or at reasonable terms or delivery; further, that the quantity asked for is not in excess of six months' requirements for domestic consumption. Quantities of these commodities for consumption in manufacturing plants must be accompanied by affdavits or signed statements from the ultimate consumers along the lines indicated. Appropriate statements in accordance with the foregoing from three or more reputable physicians should accompany Import Applications for licenses for the importation of drugs and medicines of German make or origin.

Synthetic Organic Drugs and Chemicals from Non-Enemy Sources.

On receipt of Import Application (Form M), accompanied by appropriate statements that the quantities are not in excess of six months requirements for their own use or for purposes of sale to the trade consideration will be given the matter of granting licenses for the importation, in limited quantities aforesaid, of synthetic organic drugs and synthetic organic chemicals of non-enemy make. Definite information must be given in the Import Application showing the name of the country in which the drugs or chemicals are produced and the name of the producer abroad, together with the statement that no part of the goods are of German make or origin.

Shipment of Controlled Commodities Prior to Obtaining License.

Licenses for the importation of controlled commodities should always be obtained in advance of placing orders and failure so to do cannot be accepted as a valid reason for granting licenses for the importation of any such commodities through any waiver of the Rules and Regulations, governing such importations.

Native Drugs and Chemicals.

Native drugs and chemicals in their earthy state as mined or grown, and which have been subjected to no chemical treatment whatever, may now be imported into the United States from any country in the world without a license, the same as before the war, and no formalities are now necessary with the War Trade Board Section in connection with the importation of such commodities.

NEW LAWS AND REGULATIONS

AFGHANISTAN.

Currency Notes to be Issued.

The Associated Press, in a telegram dated July 4, says that an official notice at Kabul states that the Amir has ordered the introduction of currency notes of the denominations of 1, 5, 25, 50, and 100 rupees. It is added the notes have been printed under supervision of Raza Beg Khan, the mathematician, and after the necessary tests have been stamped with specially made seals of Mirza Mahmus Khan, the Finance Minister, and Ghulam Haider Khan, General of Treasuries.

BOLIVIA.

Tax on Mining Products

On February 26, 1920, a graduated tax on mineral production in Bolivia was promulgated by the President of that Republic. Article 1 states, that the profits obtained by mining enterprises in general, whatever the form in which they are organized, will be subject to the payment of the following taxes:

From the total of the net profits there will be deducted a sum amounting to 10 per cent of the capital stock. This 10 per cent will be free from taxation. After this sum has been deducted the amount of profits will be taxed as follows: When percentage of profits is 1 to 15, the percentage of tax is 8. Then for each raise of 20 points in percentage of profits the tax is raised by 1 point until the percentage of profits is equal to 155. When percentage of profits is 155 the percentage of tax is 15 and for every raise of 30 points in percentage of profits the tax is raised by 2 points until the percentage of profits is 305 when the tax is 25. For percentage of profits of 305 and over the tax is 30 per cent.

All enterprises whose profits do not amount to 20,000 bolivianos a year are exempted from the payment of this tax.

Other articles included in the law define the usage of the term "capital", limit the total of salaries and bonuses to employees to 20 per cent of the production, and state that stores conducted by the mining companies or the rents which they produce shall be considered as an integral part of the mining business. The President of the Republic is empowered to order such investigations as he may consider necessary in order to assure the veracity and exactness of the balances of the companies.

Petroleum Development.

The terms of concessions for oil lands under law of 1916 were changed by a law of February 6, 1920, lowering the tax on oil lands, and by another on February 24, 1920, providing that oil concessions on fiscal lands should not extend beyond 66 years. The latter law also raised the Government's share in the gross product of oil, and added the provision that 20 per cent of the net profits from the working of petroleum deposits on fiscal lands should be paid into the treasury of the department in which the workings were located.

Commercial Treaty With Great Britain.

On April 5, 1920, there was signed in La Paz a commercial treaty between the Governments of Bolivia and Great Britain regarding false declaration of the origin of goods shipped from one country to the other. The treaty in question declares as of fraudulent origin any merchandise exported from one of the contracting powers to the other whose actual country of origin is different from that specified on the covering of the particular merchandise. The penalty for such fraudulent introduction of goods is fixed at the value of the merchandise so introduced, unless the exporter is proven innocent of fraudulent intent.

BRAZIL.

Regulations for Sale of Chemical Fertilizers.

The regulations governing the importation and sale of chemical fertilizers, as established by a law of June 10, 1918, have been approved by a presidential decree, N. 14177, of May 19, 1920, and are now in force.

According to the provisions of this law it is prohibited to sell or expose for sale chemical fertilizers which, through misrepresentatin as to their nature, origin, composition, or by

the use of a name employed in the designation of other fertilizing substances, deceive the purchaser. In case of the violation of this provision the seller shall be subject to a fine of 15 to 30 per cent of the value of the fertilizers sold, and from 50 to 100 for exposing for sale. In case of a repetition of the offense the fine shall be doubled.

It is further stipulated that manufacturers or importers should, prior to sale, communicate either directly with the Instituto de Chimica, or indirectly through the Inspectorias Agricolas Federaes or the Directoria de Agricultura Pratica, submitting the names and the number of the kinds of fertilizers they intend to sell, together with the trade-marks and a copy of the analysis of each. Manufacturers and dealers must also specify in the contract and in the invoice(which is to be sent in duplicate to the purchaser) the name of the fertilizer, its nature, its origin, i. e., the name of the plant where manufactured, in case of an industrial product, and the place where it is obtained, in the case of a natural fertilizer, and the formula, in which shall be indicated most specifically the constituent elements in their proportions and chemical combination. A fine of 5 to 20 per cent of the value of the fertilizers involved shall be imposed for the infraction of these provisions and double fine for a repetition of the offense.

CANADA.

Termination of Franco-Canadian Treaty.

The convention respecting commercial relations between France and Canada dated September 19, 1907, and the supplementary convention dated January 23, 1909, ceased to be in force after June 19, 1920.

While articles the manufacture or produce of Japan are not entitled after June 19, 1920, to the benefit of the rates of duty provided under the Franco-Canadian treaty, by reason of the existence of this treaty, such articles will be entitled to the intermediate tariff as extended in part to Belgium, the Netherlands, and Italy. (The Japanese-Canadian treaty of 1913 provided that Japan be given in all instances the most-favored nation treatment.)

The regulations which provided for a refund of customs duties on samples upon exportation from Canada apply only to British countries and Japan. (By the Japanese-Canadian treaty this concession for samples was extended to Japan just as conceded to France and thereby to the countries granted most-favored nation treatment in tariff matters. These countries are Argentina, Bolivia, Colombia, Denmark, France, Japan, Norway, Portugal, Russia, Spain, Sweden, Switzerland, and Venezuela. The United States pays the general tariff rates and participates in none of the most-favored nation privileges.)

CHINA.

New Wool and Leather Commission.

The President of China has appointed Liang Shih Yi president of the newly created Wool and Leather Industries Commission. The functions of this commission include, among other things, the following:

(1) To locate the regions best suited for raising cattle and sheep and to study the present output and quality of and the demand and transportation facilities for wool and leather in these regions.

(2) To ascertain the quantity and kinds of wool and leather required by foreign countries and to study the world's trade conditions concerning these commodities.

(3) To introduce and to encourage scientific stock raising.

(4) To formulate methods of rendering assistance to the people in their enterprises, as described in paragraph 3.

(5) To select and purchase the best domestic and foreign breeds of cattle and sheep, which are to be sold at cost to the breeders.

(6) To train technical assistants for cattle and sheep raising and wool and leather making, and also to study the methods of providing for hygienic conditions for domestic animals.

(7) To establish breeding farms, wool and leather factories, and laboratories, and to make a comparative study of the different machinery and equipment used in the wool and leather industries and of the methods of marketing the products.

(8) To devise methods of inspecting the quality of wool and leather to be exported.

(9) To gather information and to receive reports on wool and leather industries from different Provinces, to translate foreign technical books, and to publish magazines and bulletins concerning these industries.

(10) To send out from time to time parties of experts to lecture in various cattle and sheep raising districts in order to accelerate the development of wool and leather industries.

COLOMBIA.

Reorganization of Chambers of Commerce.

By a decree of March 12 of this year the President of Columbia has established new regulations governing the organization and functions of chambers of commerce in the Republic. The most important provisions are the following:

Chambers of commerce shall be composed of nine members only; and their personnel shall be chosen from distinct branches of industry or commerce. During the first 10 days of January of each year the depatmental governor or the Minister of Agriculture and Commece shall call into committee 30 of the pincipal merchants in the cities having chambers, and this committee shall conduct the election of members. One-third of the chamber is to be renewed each year. Foreigners are eligible for membeship if they have been established for over three years in business in Columbia or if they have married Colombian wives.

The principal functions of these chambers of commerce are outlined in the decree as being: To serve as the official representatives of the commerce of the country before the National Govenment; to propose reforms in commercial legislation; to serve as consulting bodies for the Government and study such matters as the Gvernment may submit for their consideration; and to serve as commercial tribunals for the arbitration of disputes arising between mechants when their services are so requested. All chambers of commerce must meet at least once a month, and must make an annual report to the Minister of Agriculture and Commerce.

Chambers of commerce have been organized in Barranquilla, Bogota, Bucaramanga, Cali, Cartagena, Cucuta, Manizales and Mededllin.

COSTA RICA.

Telegraphs and Telephone Declared Monopolies.

By a decree of the Provisional Government of Costa Rica, wireless telegraphs and telephones are declared State monopolies. The decree among other provisions, states that permissions granted for wireless intallation now established in the country may be revoked at any time and the respective plants may pass to the power of the State, with proper indemnification. Furthermore, Article IV limits "the establishment, management, and exploitation of the enterprise of wireless telegraphy and telephony for international service to persons of Costa Rican origin, singly or in corporation, under the supervision and protection of the State."

DENMARK.

Exchange Council Dissolves.

The Danish Minister of Commerce announced on June 4 that the Danish Exchange Council has unanimously decided to cease functioning owing to the Governments refusal to support activities by legislation. Danish exchange regulations are therefore removed, but the Danish banks will probably continue to restrict foreign purchases to absolute necessities.

New Banking Law

The new law relative to banks and banking will be put in force in October 4, 1920.. Paragraph 4, section 2, of this law reads as follows: "Foreign banks can not establish business branches in this country without the consent of the Minister of Commerce." The Minister of Commerce has not yet announced his decision concerning the conditions to be imposed on foreign Banks that desire to transact business through branches in Denmark.

FINLAND.

New Exchange Regulations.

By virtue of the law of March 30, 1920, according to which the Government may make regulations regarding the purchase and sale of foreign exchange, the State Council has sanctioned the following provisions, which went into effect at once and are to remain in force until April 1, 1921:

Foreign money obtained through the export of goods must be sold to Finland's Bank at its buying rate if the bank finds it necessary.

The exporter has to procure from Finland's Bank for the customs officials a certificate showing that he has agreed to sell to Finland's bank the foreign money that he receives.

FRANCE.

Sale of Vessels to Foreigners.

A law dated April 27, 1920, extended until April 24, 1921, the law of November 11, 1915, which prohibited the sale of

vessels to foreigners, except with the authorization of the Minister of the Marine.

Commercial Register.

It is recalled that the law of March 18, 1919, creating a register of commerce, became effective on July 1, 1920. However, a delay of six months is allowed during which interested individuals and firms may register. All new enterprises established since July 1, 1920, are bound to declare their existence and furnish the information concerning themselves, as specified by the law, within a period of a month after their establishment.

The following provisions are of interest:

French merchants having in France either their principal establishment, a branch, or an agency, French commercial companies, and foreign commercial companies having in France either a branch or an agency should register under the law.

Registration should be made before the Tribunal of Commerce in the locality in which the firm or its branch is located.

The following information should be furnished: The name, date of birth, nationality, and residence of the merchant. The same information must be furnished with respect to the principal members of the company and for the directors, manager, etc. The purpose for which the business was established, the addresses of the establishments, the name of the organization, previous busines carried on by the registrant, the patents worked, the trade-marks employed, etc., should be declared. The capital of the organization and its duration must also be mentioned.

Changes arising in the exploitation of the business should be notified.

GERMANY.

Capital Profits Tax.

The German National Assembly passed a capital profits tax law on March 29, 1920, to go into effect on March 31, 1920.

According to this law the following profits on investments are to be taxed 10 per cent (if the profits are not in money, they are to be computed accordingt to the value of money):

1. Dividends, interest, shares and profits which come from stocks, mining shares, redeemed share, etc.
2. Interest from loans which are carried on public debtors' account books or isued over partial bonds.
3. Interest which comes from life, capital, and rent insurance undertakings from the premium reserves of the insured, etc.
4. Interest from claims which are discharged by reason of an agreement.
5. Interest from mortgages, rents, securities, etc.
6. Inheritable annuities.
7. Discount amounts from drafts and bills of exchange, including the treasury exchange.

The tax covers the full capital profits without deduction of interest owed, costs of levying, and the capital profits tax.

The foreign taxes resting upon the profits can be deducted from the profits of foreign investments.

Corporation Taxes.

A corporation tax law was passed on March 30, 1920. to go into effect April 1, 1920. This law provides for a tax of 10 per cent on taxable incomes.

The total amount of the revenues consisting in money or money values is recognized as taxable income.

Among the corporations included under the new taxation are:

Corporate bodies of public and civil right, mining companies, unions not personable, establishments, institutions etc., so far as their income is not directly taxable according to this law or the income tax law under another liability.

If the place of residence of the management is in a foreign country the liability to the tax is limited to the income from landed property in Germany and from an industry for which a place of business is maintained in Germany.

GREAT BRITAIN.

Commercial Treaty With Bolivia.

(See Bolivia above).

New Postal Rates.

The Postmaster General announces several important changes in British postal rates, to take effect on and after June 1. As to inland post, it is announced that the rate for letters not exceeding 3 ounces will be 2d.; for every additional ounce or fraction thereof, 1-2 d.

With regard to the printed-paper rate, the present rate for articles under 2 ounces in weight remains unaltered. Articles admissible under the existing regulations may be sent as printed papers up to a limit of 2 pounds at the following rates: Not exceeding 1 ounce, 1-2d.; exceeding 1 ounce but not exceeding 2 ounces, 1d.; for every addtional 2 ounces or fraction thereof, 1-2d. The rates for post cards and newspapers remain unaltered for the present.

The parcel rate will be: Not exceeding 2 pounds, 9d.; exceeding 2 pounds but not exceeding 5 pounds, 1s.; exceeding 5 pounds but not exceeding 8 pounds, 1s. 3d.; exceeding 8 pounds, 1s. 3d.; exceeding 8 pounds but not exceeding 11 pounds, 1s. 6d.

For foreign and colonial post the letter rate to all destinations to which the rate has hitherto been 1 1-2d. for the first ounce (British possessions generally and the United States of America) will be 2d. for the first once and 1d. for each succeeding ounce. The rates for letters to all other destinations and for post cards, printed papers, commercial papers, and samples remain unaltered.

New Schedule of Apple Prices.

Food Controller announces the following schedule of prices: Home-grown apples, first owners' price, 63 shillings per hundredweight; imported apples, first owners' price, 63 Nova Scotia, 62 shillings per barrel; Canadian, Maine, Virginian, and Western States, 68 shillings per barrel; British Columbian, Washington, California, Oregon, and Australasian,, 21 shillings 6 pence per case of not less than 37 pounds; British Columbian, Washington, Californian, Oregon, and Australasian, 23 shillings 6 pence per case of not less than 40 pounds. Any variety of imported apples, 60 shilling per hundredweight.

Control of Live Stock Abolished.

The Food Controller has announced that control of live stock and meat in Great Britain is abolished from July 4. On that date the Live Stock (Sales) Order and the other orders which relate to the control of live stock and meat were revoked. It is the intention of the Controller to continue for the present the existing maximum prices of chilled and frozen beef, mutton, and lamb.

German Debt Collections.

The British Controller of the Clearing Office for Enemy Debts has published regulations permitting certain direct intercourse between British and German creditors and debtors upon the subject of prewar debt. Under this order it is now permissiable for individuals in England and Germany to correspond with each other concerning debts contracted prior to the war, but their commuications must be restricted to information about the nature of the debt. Discussions as to the payment or settlement of such debts must be carried on only through the clearing offices.

GREECE.

Restrictions on Foreign Exchange Removed.

A Government decree removed all restrictions from transactions in foreign exchange as from August 22nd.

GUIANA (DUTCH).

Provisions Governing Bauxite Industry.

The law of March 27, 1919, and its amendment of November 24, 1919, include provisions relative to the exploration for, and the exploitation of bauxite in the colony of Surinam. Permission to explore is limited to Netherlands; inhabitants of the Netherlands or of Surinam; or companies established in either place. Holders of concessions for the exploitation of bauxite are limited to companies established in the Netherlands or in Surinam; and these must reside in the latter colony or must be represented there constantly.

ITALY.

Circulation of Paper Money.

In a decree of Ministry of the Treasury dated April 18, measures have been taken toward bringing about a gradual reduction. The decree in question provides for the return to the banks of issue of 45,000,000 lire which was advanced to companies receiving subsidies from the State in connection with railway concessions. A corresponding amount of bank notes will thus be withdrawn from the paper money in circulation for the account of the State, and the relative credit toward the companies in question is assumed directly by the Treasury.

MEXICO.

Tax on Production of Garbanzos.

The production tax of 1.50 pesos per sack of 100 kilos on garbanzos has been suspended by the State Government of Sonora.

Lifting of Censorship on Telegrams and Cables.

The Government has lifted the censorship on June 24, 1920, from all telegraphic and cable communication with foreign countries. No restrictions will be placed in the future on commercial and press dispatches.

Payment of Mining Taxes.

The following presidential decree signed July 6 was published in "El Diario Official" of July 20:

Article 1. All the additional charges owed by those liable to the annual tax on mining property are hereby remitted provided the parties interested pay the first and second quarters of the present year before August 31 next.

Article 2. The proprietors of mines who were owing quarters previous to 1920 and shall have paid the two quarters of the year in conformity to the preceeding article shall have the right to pay quantities quarterly which they are in arrears in as many installments as there are quarters that they owe and thus settle the amount of one quater in arrears every time they make payment on the regular taxes.

Article 3. If the parties involved do not take advantage of the exceptions established by this decree or do not make payment on the dates on which the respective periods for such payment expire, this failure shall give occasion to the declaration that their respective titles are revoked without leaving room for any further recourse.

Article 4. The owners of mining properties who complied with the provisions of the decree of June 28, 1919, shall continue to meet their obligations in accordance with that decree.

Article 5. The main tax officers are authorized to receive in conformity to the present decree the payments which those owing the annual tax on mining property may wish to make but they should include at the end of the monthly accounts which they render to the Department of Hacienda a report in which they express the customary data with a notation as to whether the interested parties have complied with the exmeptions referred to in the foregoing article.

Transitory article: Transitory aticles 3, 4, 5, 6, and 7 of the decree of June 27, 1919, are revoked.

Postal Service For "Sample Letters"

The Mexican Post Office Department announces that pieces of first-class mail attached to packages of fourth-class mail for the same destination may be accepted by the post office if destined for the interior or for the United States, Canada, or Cuba. These packages of mixed classes of mail may be registered or not, as the sender desires. The purpose is to prevent mercantile samples being lost from the letter which corresponds to them. Each piece of mail, although attached to one of another class, is subject to the tax of the class under which it classifies.

POLAND.

Retirement of Austrian and Russian Currencies.

On January 14 the Polish Diet enacted into law the proposal of the Minister of Finace establishing the rate between the mark and the crown at 70 to 100—70 marks to 100 crowns. In the middle of April the Polish frontiers were closed to all railroad traffic, and the crown, in denominations of 100 or larger crown bills, was withdrawn from circulation. It has been declared that no more crowns will be issued and that the bills retired from circulation will be held only until the affairs of the Austro-Hungarian Bank have been liquidated (in accordance with the terms of the peace treaty), when crowns of all denominatioss will be retired. On April 29 the Russian ruble ceased to be legal tender throughout Poland, and the official rate of exchange for rubles offered in payment for obligations previously contracted was fixed at 100 (Tsarsky) rubles for 216 Polish marks.

PORTUGAL.

"Unpegging" of Exchange.

A ministerial decree, dated May 26, has suspended the power of the bankers' consortium to fix rates of foreign exchange, which will be now "unpegged."

RUMANIA.

Exchange of Grain for Agricultural Machinery.

Article 10 of the Roumanian decree law requisitioning seed grain from the coming fall harvest provides that the agrarian committee shall be authorized to export 15,000 wagon loads of maize, barley, and millet from the 1919-20 harvest in order to facilitate the importation of machinery, utensils, and materials necessary for carrying on agriculture. The committee has charge of regulating method and condition of expotation, as well as the classes of goods to be imported and their distribution.

RUSSIA.

The Decree on Foreign Trade.

The official paper of the All-Russian Central Executive Committee of Councils, "Izvestia," of June 11th, published the following decree:

1. People's Commissariat of Trade and Industry shall be known henceforth as People's Commissariat for Foreign Trade.

2. The management of the nationalized foreign trade and the exchange of goods is entrusted exclusively to the People's Commissariat for Foreign Trade. It enjoys the exclusive right to carry on all the trade with foreign states, public and private institutions, organizations, commercial and industrial enterprises and individuals. Its departments shall be in charge of all the transactions connected with export and import.

3. No department of the Government nor any organization or individual has the right to enter into trade commitments without previous consent of the People's Commissariat for Foreign Trade.

4. The preparation of the plans for the exchange of goods with foreign countries as well as the determination of various questions pertaining thereto shall be within the jurisdiction of the Council for Foreign Trade in accordance with the statutes of the Council approved by the Council of People's Commissaries.

SPAIN.

Ministry of Food Control Abolished.

The Spanish Ministry of Food Control (Abastecimientos) was abolished by Royal decree of May 8, 1920, published in "Gaceta de Madrid" May 9, 1920. It is replaced by a general commission on foodstuffs assigned to the Ministry of Fomento, which will have charge of the distribution of food supplies and raw materials so far as regulated by law, and the administration of the measures taken to control transport by land and sea.

Regulations for Sale of Narcotics.

The Spanish Royal Order of February 27, 1918, was intended to control the sale and use of narcotics and anesthetics in Spain and a similar object inspired the Royal Order of July 31, 1918, regulating the sale of these articles. The measures restricted the importation of toxic drugs and permitted their sale only on medical prescription. In order to enforce with greater efficacy these regulations, a Royal Order, published April 23, 1920, prescribes that a stricter vigilance shall be instituted at the frontier, that pharmaceutical inspectors shall scrutinize the registers kept by wholesale purchasers and promptly report any infractions, and that the authorities shall investigate thoroughly all cases of persons possessing such drugs in order to ascertain whether they hold proper medical authorization. Especial attention is called to the inspection of cafes and bars, and the rigorous application of the law is ordered, with the payment of heavy fines for violations.

The Free Port of Bilbao.

By Royal Order of March 10, 1919, a consortium formed by the provincial deputation, the Chamber of Commerce, Industry and Navigation, and the Board of Port Works in Bilbao, was authorized to install a free port (Deposito Franco) in that city in accordance with the terms outlined in the Royal Order of July 30, 1918.

On February 11, 1920, the customhouse at Bilbao reported that the consortium had come into possession of property suitable for the warehousing of merchandise in the free port, and on April 3 it was reported that measures had been taken for guarding the public interest by completion of the necessary warehouse buildings.

On April 16 the Direccion General de Aduanas issued a notice fixing the 1st day of May, 1920, for the commencement of the functioning of the Free Depot of that port, requiring the customhouse officers to have charge of the supervision of the same in accrdance with the rules prescribed by this "Centro" for the superintendence of the Free Depot of Gadiz in an order dated March 24, 1915, published in the Official Bulletin of April 30, 1915.

Ruling on Dealing in Foreign Securities.

The prohibition of the issue, importation, and the official quotation of foreign public and private securities on the Bolsas de Comercio, enforced by article 5 of the royal decree of August 11, 1918, has been modified to the extent that the Council of Ministers may permit such exceptions as they think proper.

New Parcel Post Service.

The Spanish postal authorities announced on June 30 the inauguration of a new parcel-post service between Spain, the Balearic and Canary Islands, Spanish North African posses-

sions, and Mexico. The regulations governing the size, weight, and cost of the parcels are similar to those existing with other countries, based on the convention of Rome of May 26, 1906, relative to parcel post.

UNITED STATES OF AMERICA.

Food Control Ceases.

Federal control of wheat and wheat products ended June 1, the wheat director ceased to function under the limitaion of the law creating his office and the Food Administration control ended by proclamation of President Wilson.

Insurance Amendment in New York.

Amended section 45 of Chapter 33 of the Laws of 1909 which became effective May 3, 1920.

"Sec. 45. Forms of report to be furnished by superintendent.

'If a corporation incorporated under the laws of any state or country outside of the United States such report with respect to the business done and assets held by or for the corporation shall contain a statement of the business done and assets held by or for it within the United States for the protection of all policyholders residing within the United States and shall not contain any statement in regard to its assets and business elsewhere, except that such report shall contain a statement of all its insurance transactions outside of the United States with insured corporations, partnerships, associations or individuals resident within the United States, and affecting risks resident, located or originating in the United States, notwithstanding such transactions were not done through an attorney, manager or agent of such corporation within the United States, and such insurance corporation shall as to all such transactions report premiums, pay taxes thereon and hold reserves thereon, and such corporation shall be charged with the same duties and liabilities and its policyholders resident within the United States shall have the same rights as if such transactions had been done through its attorney, manager or agent within the United States.

"In addition to any other penalty prescribed by law, every insurance corporation failing to make and file the reports and statements required by this chapter or to reply to any inquiry of the superintendent, shall forfeit to the people of the State five hundred dollars for the first offense, and an additional five hundred dollars for every month that such corporation shall thereafter continue to transact any business of insurance in this State. Any violation of this section by a corporation incorporated under the laws of any State or country outside of the United States shall also be sufficient cause for the revocation by the superintendent of the certificate of authority issued to such insurance corporation."

Preferentional Rail Rates.

Admiral Benson, Chairman of the United States Shipping Board, has announced that the Board would further certify to the Interstate Commerce Commission the desirability of extending, until January, 1, 1921, the period of suspension of the provisions of section 28 of the Merchant Marine Act, which section prevents American railroads from making preferential rail rates for commodities moving in import and export, except when moved in American ships.

Restrictions on Enemy Aliens Modified.

An Executive Order by the President dated June 27th., 1920 modified a similar order of August 8th., 1918 as follows:

1. Hereafter persons who by any statute or proclamation may be defined as hostile or enemy aliens, and, who desire to depart from any port of the United States for any destination, shall not, unless the Secretary of State so orders, be required to obtain a permit of this Government prior to such departure. Such persons will be permitted to depart upon presentation of passports issued, renewed or vised by representatives of their respective Governments within one year prior to the proposed date of departure, accompanied by certificates of compliance with the income tax law.

2. No passports or permits to depart from or enter the United States shall be required of persons traveling between points in the continental Uunited States and points in Newfoundland, and St. Pierre and Miquelon Islands; provided that the above exception has no application to persons traveling en route through the countries named to or from the United States.

URUGUAY.

Decree on Beverages.

By a decree issued on May 14, 1920, non-alcoholic beverages which are not manufactured in the country are exempt from customs duties, including additional charges. As soon as factories are established for making the said beverages or similar ones, the Executive Power will reestablish the customs duties. The same beverages, whether national or foreign, shall remain exempt from all fiscal internal tax.

The sale of distilled alcoholic beverages will not be permitted in public places nor on trains. The importation and manufacture of beverages with a base of absinthe and the like are prohibited. After a year from the promulgation of the present law, the sale and storage of such beverages will be absolutely prohibited. Importers and manufacturers of alcohol will only be allowed to sell it to manufacturers of liquors. The sale will also be permitted for industrial and medicinal uses.

VENEZUELA.

Regulations for Sale of Pharmaceuticals.

The new pharmacy law of June 14, 1920, contains a number of provisions affecting the sale of pharmaceutical preparations. Article 7 prohibits the advertising and sale of secret remedies by druggists. Article 11 provides that no pharmaceutical preparation is to be sold by a druggist except on a duly signed prescription by an authorized person. This provision applies also to all pharmaceutical specialties of known composition, domestic or foreign, sold in the original containers, except those specially authorized for sale by the Office of Public Health.

TARIFF LAWS AND REGULATIONS

1 Export.

ALGERIA.

New Embargos

A decree of June 1, 1920, published in "Le Journal Officiel" for June 2, 1920, prohibits, from the date of publication, the exportation of wools, raw and on the skins, and waste wool from Algeria to foreign countries except under license from the Governor General.

As to embargo on rags—see "France," below.

ARGENTINA.

Removal of Embargo on Sugar.

The President of Argentina publised a decree, May 22, 1920, permitting the exportation of sugar up to 100,000 tons, on condition that 30 percent of each proposed exportation be deposited by each exporter under orders of the Minister of Hacienda. The permission to export shall teminate and the sugar deposited sold at 4.10 pesos per 10 kilos in the event that the average market price goes above 4.99 pesos per 10 kilos for white sugar, or 5.50 pesos per 10 kilos for refined sugar within 90 days. The depositor may dispose of the 30 per cent deposited, at will, if the price does not reach the above quotations within the 90 days.

Duty on Wheat Products.

The bill imposing an export duty on wheat has been passed by the Argentine Congress and has been signed by the President on June 11th thus becoming a law. This law provides for an export tax of 5 pesos per 100 kiligrams on wheat flour, 4 pesos per 100 kiligrams on wheat, and in addition a duty of 20 percent ad valorem on products containing wheat used for food.

Embargo on Wheat

On July 8 an executive decree authorized the exportation of 500,000 tons of wheat from that date. The decree prohibits further exportation. The exportation of flour is prohibited by a decree of June 2nd.

AUSTRALIA.

New Meat Regulations.

The Commonwealth Government has promulgated regulations prohibiting the exportation of meat unless it has been certified to be fit for export by a customs inspector; of meat that is affected by any mold fungus; of meat that has deteriorated in any way after inspection; of frozen meat that, in the opinion of the inspector, is not sufficiently hard; or of meat that is misshapen or improperly packed.

Regulations for Jam.

The Commonwealth Government has promulgated regulations prohibiting the exportation of fruit pulp or jam which is in unsound, diseased, or otherwise of abnormal condition, or is improperly packed for export by reason of unsuitable size, nature, durability, or cleanliness of containers, or otherwise liable to arrive at destination in deteriorated condition.

Official Cheese Standards.

The Commonwealth Government has promulgated the following regulations for the export of cheese: In grading cheese flavor and aroma are given 50 points; condition, including packing and covering, color, and salting, 20 points; superfine cheese is defined as pure cheese graded at 95 to 100 points; first-grade cheese at 90 to 94 points; second-grade cheese at 83 to 89 points; and third-grade cheese at 75 to 82 points. No cheese can be be exported until it has been graded by a customs officer and unless the cheese in each container is of uniform uality.

Removal of Export Embargoes.

The export embargoes have been removed August 21.

BELGIUM.

Embargo on Building Materials.

The Belgian Government has prohibited the exportation of the following materials: bricks, slate, wood, and other building material.

BOLIVIA.

Duty on Hides.

On May 25, 1920, the bill imposing a tax of 15 percent ad valorem on the export of hides from Bolivia has become a law. The tax is based on New York quotations for Argentine hides.

Exportation Bonds.

By authority of the law of March 23, 1920, and the subsequent presidential decree of April 30, 1920, the National Treasury of Bolivia was authorized to issue exportation bonds, amounting to 6,000,000 bolivianos (boliviano- $0.389), in the following denominations, viz:

Series A of 100 bolivianos each	4,000,000
Series B of 50 bolivianos each	1,250,000
Series C of 25 bolivianos each	500,000
Series D of 10 bolivianos each	250,000

These bonds bear 9 per cent interest payable semiannually on January and July 1 of each year. Each bond has attached the interest coupons for the period during which it is to be in force.

During the years 1921, 1922, 1924, and 1925, 20 per cent of all export duties must be paid with these bonds, provided that proportion exceeds 10 bolivianos; any smaller sum may be paid in the current money. The bonds are to be delivered to the customshouses and post offices for distribution. Holders of said bonds are not to be alowed to sell them at a greater premium than 2½ per cent for each year during which they may have been outstanding. If any greater premium than 2½ per cent is demanded, the exporter has the privilege of paying the portion of the duty payable in bonds in current money plus said 2½ per cent. When the bonds are used for the payment of export duties, the date of the payment is to be noted on the interest coupon of that semester, and this coupon will be paid pro rata at the end of the semester.

The Government reserves the right to withdraw or cancel these bonds, and the amount in circulation; also of the amounts sold or retired. All bonds retired during a semester are to be promptly burned after the end of the semester.

The bonds are to be signed by the President of the Republic, countersigned by the Minister of the Treasury, and registered by the Director of the Treasury. On the reverse side will by printed the text of the law of March 23, 1920, and the text of the Presidential Decree of April 30, 1920, authorizing and directing the issuance of these bonds.

BULGARIA.

Regulation of Foreign Exchange for Exports.

By decree No. 21, issued by the Ministry of Finance on May 21, 1920, the following regulations regarding the taking over of foreign values were announced:

Article 1. No goods, the exportation of which has not been prohibited by special laws, mav be exported abroad until the exporter has surrendered to the National Bank one-third of their worth in the form of foreign values.

Article 2. The rate of exchange at which the surrender will take place is fixed on the basis of the average rates of the foreign stock exchanges in countries whose money is the least depreciated, notably Switzerland.

At the time the purchasing rates are fixed the rate of the levy in Switzerland or in some other country is taken for divisor (standard?) with one to three points above the average rate in Swiss francs or other undepreciated currencies.

The rate is determined by the board of directors of the Centrale des Devises.

Article 3. The rates of surrender fixed by the bank in conformity with the preceding article are good only for the taking up of foreign values received in exchange for goods exported.

In all other cases the bank applies its commercial rates of exchange, fixed according to the course of the market and the foreign values at its disposal.

The fixing of prices on imported goods will be based on the bank's commercial rates.

Article 4. The foreign values surrendered to the National Bank of Bulgaria must be of high grade.

Foreign values are considered of high grade if they are not greatly depreciated or unstable.

The quality of foreign values is determined by the board of managers of the bank.

Article 5. The amount of values to be surrendered according to article 1 is computed on the price of the exported goods f. o. b. a Bulgarian port or point of exportation, including export duty and other expenses incurred up to the time the goods have reached the port or point of exportation.

Article 6. Goods whose exportation is limited and made only in small quantities and goods exported in exchange for other goods intended for Government or communal needs may be released from the obligation to surrender foreign values.

Such releases are authorized by the decision of the board of managers of the Centrale des Devises, approved by the Minister of Finance.

Article 7. All other restrictions on dealings in foreign means of payment, loans, and credits provided for by the law on that subject of December 19, [illegible] the obligation to surrender the declared [illegible] prohibition of the export of Bulgarian bank notes and gold and silver coin, are withdrawn.

The restrictions on the export of gold articles, and gold-plated articles provided for in the law upon the traffic in gold of January 3, continue in force.

Article 8. The declared values, loans, and credits in conformity with article 5 of the law regulating commerce in foreign means of payment are purchased in the order provided by the same law.

Article 9. The export licenses granted by the Centrale des Devises prior to the time this regulation takes effect are governed by the regulations in force at the time of issuance.

CANADA.

Labeling Requirements for Canned Fish.

An Order in Council of the 22d of May (corrected by an order of the 10th of June), 1920, rescinded the Order in Council of May 1, 1919, directing that cans of fish and shellfish which are to be exported from Canada to foreign markets or to markets of the United Kingdom shall be exempt from the requirements of being labeled, and the following regulations are made and established in lieu thereof:

(a) Cans of fish that are to be exported for sale in foreign markets or in the markets of the United Kingdom are hereby exempted from the labeling provisions of section 12A of the Meat and Canned Foods Act.

(b) Cans of shellfish packed to contain the minimum of dry meat prescribed by the said act that are to be exported for sale as aforesaid are hereby exempted from the labeling provisions of said section 12A; provided that if at the date hereof any person has in stock or in transit within Canada any cans of shellfish intended to be or or that are being exported for sale as aforesaid which are found by the said act, the minister may authorize the shipment of such cans for sale in foreign markets or in the markets of the United Kingdom, provided they are labeled so as plainly and conspicuously to show to the satisfaction of an inspector that they are under weight.

(c) An inspector shall be entitled to take from any shipment of canned fish or shellfish which is intended to be or is being exported samples thereof on payment or tender of the value of such samples.

Section 12A of the Meat and Canned Foods Act, which is the original act referred to above and became effective December 15, 1918, reads as follows:

12A. (1) All fish and shellfish canneries shall be inspected as provided for by the regulations. All fish and shellfish packed in cans shall be subject to inspection during the whole course of preparation and packing, and all such cans shall be marked with —:

(a) The initials of the Christian names, the full surname and the address, or, in case of a firm or a corporation, the firm or corporation name and address or the name and address of the packer or of the fish dealer obtaining it direct from the packer.

(b) A true and correct description of the contents of the can, including the vernacular name and the minimum net weight of the fish or shellfish in the can, plainy printed in a

conspicuous manner, and the name of the place where the same was packed.

(2) No false or misleading mark or name shall be placed on any can of fish or shellfish, whether the same relates to the place where the fish or shellfish has been caught or canned, or to the kind of fish or shellfish, or any other particular relating to the same.

(3) The owner or manager, of every fish or shellfish cannery shall supply the Minister with a copy of each kind of label used in the cannery, and every dealer obtaining canned fish or canned shellfish direct from the packer shall supply the Minister with a copy of each kind of label used by him on such canned fish or canned shellfish.

(4) Provided, however, that if it is established to the satisfaction of the Governor in Council that the labeling of the cans of fish or shellfish as prescribed by this section hinders the sale of the same in foreign markets or in the markets of the United Kingdom, he may exempt such cans of fish or shellfish as are exported to such markets form the provisions, or any one or more of the provisions of this section.

Export Licenses.

Licenses for the exportation of sugar are no longer required. Licenses for the exportaion of gold coin, gold buillion, and fine gold bars are under the control of the Deputy Minister of Finance, and for the exportation of wheat and wheat products (including bread or buscuits) are by statute under the control of the Canadian Wheat Board, Winnipeg. The regulations (customs memorandum No. 2365-B) relative to the exportation of cocaine and opium and their products and derivatives are still in effect.

Certificates for Eggs.

Memorandum 2413-B of the Department of Customs, has been canceled, and the folowing substituted:—Collectors of Customs are not to allow Canadian eggs, in twenty-five case lots or more, to be loaded aboard ship or otherwise exported, until inspection certificates for export have been filed.

Certificates for exportation of Canadian eggs are not to be accepted, unless clearly marked with the words "Export Certificate." (Vide Memorandum of Customs 2415-B, dated August 24, 1920).

COLOMBIA.

Suspension of Embargo on Gold.

The Presidential Decree of May 8, 1919, which prohibited the exportation of gold in coin, bars, or dust, or in any form, without permission from the Government, has been suspended in so far as the United States is concerned.

CZECHOSLOVAKIA.

Trade Restrictions.

It is announced that at a recent meeting of the Commission for Foreign Trade, which was attended also by banking interests and representatives of the Ministry of Finance and Commerce, it was decided that no licenses would be granted for exports unless the evidence is presented with the application that the goods have been paid for in foreign moneys.

DENMARK.

Removal of Certain Embargoes.

By a decree of the Royal Danish Government of June 29, 1920, the restrictions on the exportation of the following articles have been removed; Potatoes; rubber tires and rubber tubes for motor vehicles; Cuba mahogany; teadwood; whitewood in blocks; Danish oak; raw lamb and sheep skins; raw cattle hides; calf skins of a minimum weight of 8 kilograms each; woolen and half-woolen rags; "scratch wool;" turpentine oil, refined or not; lard, pig skins; bicycle tubes and tires; blue vitriol; linseed-oil varnish; shellac; linen rags of hemp and flax and of mixture of flax; cotton thread; poultry, live and dead; copperas; cotton rags; bamboo; cane; all kinds of berries and tree fruits, fresh and preserved; rhubarb, prepared and otherwise; raw horse hides in any state; horse tail and mane hairs; cow-tail hairs; sea grass spun for the use of basket makers; bark-bared willows; all kinds of hairs and dyes; pork products; including preserves, sausages, and other porducts made thereof; eggs; cream; milk; cheese; all vegetables (except onions), edible greens and roots, cucumbers, and gourds, fresh or dried or prepared in other ways; calf skins, the export of which has not been forbidden by any decree previous to that of June 17, 1918; plastering reeds; peas; beans; linseed; whey; hay; millet.

Partial Relaxation of Embargo on Seeds.

All kinds of seeds, seed siftings, and seed leavings may be exported without license from the Ministry of Justice if the shipment is accompanied by a certificate issued by the Technical Agricultural Commission to the effect that the particular shipment or shipments may be exported within a month after the issuing of the certificate. The certificate is to be returned by the exporter to the Technical Agricultural Commission. Exportation may take place through all customhouses and stations. Samples of seeds with a maximum weight of 350 grams may be exported by mail if the sample is stamped or marked "Seed sample without value."

(The export restrictions on sesame seeds, cotton seeds, and flaxseeds are still in force.)

Embargo on Nickel Coins.

The export of nickel coins is forbidden until further notice. Travelers, however, are allowed to carry with them silver nickel coins not exceeding the amount of 10 crowns for the defraying of traveling expenses.

FINLAND.

License Tax and Duties.

The following regulations in regard to license and export fees have been made by the Diet and approved by the President. They are to be in force from May 1, 1920, until the end of this year.

The Board of Trade and Industry is authorized to collect a fee of 2 per cent ad valorem when granting export license for goods which are prohibited to be exported.

When Finnish vessels are sold abroad a fee of 15 per cent of the selling price has to be paid.

Export duties have been levied on 43 items in addition to the export duties already in force. The following are the most important items affected by this decree, together with the new (additional) export duties (in Finnish marks):

Rags of all kinds, 0.20 mark per kilo; textile fabrics of all kinds and manufacturers thereof, 10 marks per kilo; unsawn timber, 12 to 35 marks per cubic meter; pulp wood, 15 marks per cubic meter; sawn and planed timber, 14 to 22 marks per cubic meter; veneers of all kinds, 0.08 mark per kilo; joiner's work, 0.30 mark per kilo; reels, 0.50 mark per kilo; charcoal, 0.15 mark per kilo; mechanical wood pulp (wet), 3.50 marks, and (dry), 7 marks per 100 kilos; chemical wood pulp (wet), 6 marks and (dry) 15 marks per 100 kilos; pasteboard 17 marks, and all kinds of paper, 16 marks per 100 kilos; hides and skins, 2.50 to 4 marks per kilo; foxskins, 58 marks per kilo; other furs, 19 marks; tar and pitch, 0.10 mark per kilo; and matches, 0.20 mark per kilo.

No license or export fees are to be paid on transit goods, on reexported goods, on samples without commercial value, or on parcels the value of which is under 1,000 marks.

FRANCE.

Embargos.

A decree of May 14, published in "Le Journal Officiel" for May 18, prohibits the exportation or reexportation, from date of publication, of resinous woods in logs for the manufacture of paper pulp, and rough logs of pine.

A decree of May 21, 1920, published May 23, removes from date of publication the embargo on the exportation of clover seed.

A decree of May 17, 1920, published May 22, prohibits the exportation or reexportation of the following goods, except under license from the ministry of finance: (Item 64) imitations of ivory and tortoise shell; (item 163) chicory root; (item 281 ter) crude celluoid in lumps, sheets, or plates; (item 281quat) celluloid and other similar plastic materials not specified, in rods, tubes, sticks, or in polished sheets colored or worked in any manner; (item ex363) single, pure linen yarns, not glazed; (item ex363bis) pure linen yarn, not glazed, twisted, or partly twisted; (item ex364) mixed linen yarn, the linen predominating in weight.

A decree published May 28, prohibited from that date the exportation or reexportation from France of (item 198) heavy oils and residues of petroleum and other mineral ails without the authorization of the Ministry of Finance. The decree of May 27, published May 30, prohibits the exportation and reexportation except under license from the Ministry of Finance of the following goods: (Item ex128) logs, rough, not squared or without bark, of any length, and of a circumference at the thick end of over 60 centimeters; (item 133) perches, poles, staffs, etc., except for mines; (item 136) charcoal and charred bone.

A decree of June 2, published June 5 prohibits from that date the exportation or reexportation of rags from France and Algeria, except under license from the Minister of Finance.

A decree of June 16, 1920, published June 22, prohibits the exportation of osiers, raw or stripped, except under license from the Minister of Finance.

A decree of July 4, 1920, published July 10, prohibits the exportation of (item 205) foundry pig containing from 15 to 25 per cent of manganese, and (item 219) waste and scrap iron which can be utilized only for resmelting, except under special license. The decree went into effect immediately upon publication.

A decree of July 17, published July 21, 1920, prohibits the exportation of empty wooden casks ready for use (item 595), except under license from the Minister of Finance.

The exportation of refined and unrefined methyl alcohol and acetone was prohibited by a decree of August 19.

Relaxation of Embargo on Oil Cake.

A decree of June 20, 1920, published in "Le Journal Officiel" of July 2, authorizes the exportation of limited quantities of oil cake and fixes an export duty of 25 francs per 100 kilos thereon.

Exemption From Turnover Tax.

A French Ministerial Decree, dated 1st July, and published in "Le Journal Officiel" on the 2nd, deals with the exemption from the tax on goods exported from France.

Part 2 of the decree concerns the goods exported to foreign countries, Algeria, French Colonies, Possessions, and Protectorates, and the Saar Basin. Sellers of such goods are exempt from the payment of the tax on fulfillment of the formalities laid down in Article 16.

GREAT BRITAIN.

Removal of Embargoes.

On May 19, 1920, suet, marrow fat, and raw cocoa have been removed from the British list of prohibited exports. From May 20, 1920, an open general license will be issued permitting the export of apomorphia hydrochloride, contarnine hydrochloride, and contarnine phthalate to all destinations with which trading is allowed. Smooth bore guns and ammunitions for use therewith may be sent under open general license to Asiatic Russia.

On May 26, 1920, the British export embargo on rice and rice flour was removed.

The British export embargo on hay has been removed from the date of May 14, 1920, and on green forage from May 7.

Rex powder has been added to the list of industrial explosives which may be exported from England without a license from the Privy Council.

The following articles have been removed from the British export embargo list: Guanos and phosphate rock, namely, apatites and phosphates of lime and alumina.

The export prohibitions on the following products have been removed August 5, 1920: Game, dead; and imported frozen poultry.

The British embargo on the exportation of the following products has been removed: Husk meal, offals of corn which may be used for animal food, such as bran, middlings, mill dust and screenings, pollard, and sharps.

The following products have been removed from the export embargo list: Calfskins, hides, British and Irish cattle.

Relaxation of Regulations and Embargo on Confectionery.

The confectionery, manufactured wholly or in part of sugar, has been removed from the list of goods prohibited from exportation from Great Britain. The British Board of Trade has announced that from July 21, 1920, it is no longer necessary to submit applications on form S 90 for the transshipment og goods prohibited from exportation. Transshipment is allowed on the production of through bills of lading or other satisfactory evidence that goods are bona fide in transit.

GUATEMALA.

Additional Tax on Sugar.

An executive decree of May 19, 1920, provides for an additional tax of $1, American gold, upon each quintal of sugar exported from the republic, to remain in effect until February 28, 1921. This is in addition to the tax of $0.25 per quintal already in force. (Quintal —101.5 pounds.)

INDIA.

Rebate of Duty on Hides.

The following announcement is taken from the press of British India, published April 6:

The Governor General in Council is pleased to prescribe that a rebate of two-thirds of the export duty on raw hides or skins shall be allowed only on the exporter furnishing to the collector of customs at the place of export a bond securing the payment of the remainder of the duty within six months from the date of shipment of the hides or skins, which bonds shall be canceled on receipt within that period of a certificate granted by such association or other person in the country of destination as the Governor General in Council may designate, certifying that the raw hides or skins have been delivered to a tanner for tanning in His Majesty's Dominions or in a State in India or in a territory under the protection of His Majesty or in a respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's Dominions; provided that: 1) nothing in this notification shall be deemed to require the production of a bond in the case of exports of raw hides or skins to Indian States other than cutch, and

(2) The collector of customs at the place of export may, if, on the expiry of the six months aforesaid, no such certificate has been furnished, and he is of opinion that sufficient cause has been shown, discharge the bond and accept in place a fresh bond securing the payment of the remainder of the duty within such further period as he thinks fit.

ITALY.

Embargo on Sulphureted Olive Oil.

The exportation of sulphurated olive oil was suspended 30 days ago. The ban was lifted, however, until May 30, and license for export is therefore not necessary until that date. The exportation of pure olive oil from Italy is still under embargo.

Free Exportation of Certain Commodities.

Notice has just been received from the Minister of Finance that the Italian customs officers have been authorized to allow the exportation of the following commodities without a ministerial permit, subject to the conditions specified:

Pickled fish and canned d'euvres (relishes) of all kinds (even if containing a very small quantity of tunny fish), on condition that, where these products contain oil, a quantity of foreign edible oil-olive or seed oil-equivalent to 10 per cent of the gross weight of the commodity to be exported, be imported from abroad.

Documents proving that the above condition, in connection with the previous importation of edible oils has been complied with will be required for the unloading of the exported commodity, and must be made out to the same person in whose name the exportation documents are made out.

Payment for Exports in Prescribed Currencies.

A ministerial decree issued by the Italian Treasury, published in the Gazetta Ufficiale April 24, 1920, which became effective May 31, prescribes the currencies in which payment must be made for Italian exports according to country of destination.

Consent to the payment in lire for Italian exports will not be given in any case where the Treasury has reserved the right to acquire the credits established by the sale of Italian commodities abroad.

The payments are to be made as follows:

On exports for Great Britain, francs; for Switzerland, in Swiss francs; for the United States, in dollars; for Sweden, Norway, Denmark, Holland, Belgium, Portugal, Greece, Canada, Australia, and all countries of Africa, and Asia (except Turkey in Asia), in dollars, pounds sterling, French francs, or local currency; Germany all countries of South, Central, and North America (except the United States and Canada), in dollars, pounds sterling, French francs, Italian lire, or local currency: for Austria, Hungary, Poland, Czechoslovakia, Jugo-slavia, Romania, Bulgaria, and all other European countries not previously named, in dollars, pounds sterling, or Italian lire.

Removal of Embargoes.

An Italian order authorizes the reexportation to any destination of raw cotton still the property of foreign shippers even if goods arrived before June 1. The order became effective June 30, 1920.

A cable from Rome, July 20, 1920, stated that the embargo on the exportation of leather, which has been in effect practically since the beginning of the war, was lifted on that date by ministerial decree. Leather of all kinds may now be freely exported from Italy.

Relaxation of Embargoes.

Notice has been received from the Ministry of Finance that the customhouses are now authorized to permit the free exportation of: Raw wool; tunny roe, subject to the conditions set forth in Ministerial Circular No. 13003, of April 27, 1920, in connection with the exportation of canned fish; tanning extracts (until further notice); pulp of the cassia tree; pulp and sap of the tamarind tree; chlorate of potassium; any qual-

ity of tanned hides, with the exception of kid skins for gloves (to be exported by tanners only); leather footwear (to be exported by shoe manufacturers only).

JAMAICA.

Present Duties Continued.

The Export (Temporary War Duties) Law, (No. 2 of 1919,) is continued in operation until 31st March, 1921, by Law No. 7 of 1920.

JAPAN.

Discontinuance of Crude-Camphor Allotments.

The Japanese authorities have decided to discontinue the allotment of crude camphor to camphor refiners in the United States and other countries foreign to Japan.

But, the authorities have decided to allot to refiners in the United States, at a special discount, 15,000 pounds of refined camphor a month. During the year ended March 31, 1920, only about 64,000 pounds of crude camphor were allotted to camphor refiners in the United States.

This action does not alter in any way the allotments of "B" and "BB" grade camphor to celluloid manufacturers.

JUGOSLAVIA.

Export Restrictions.

The council of the ministers has promulgated a decree dated April 17, 1920, regulating exports. This decree provides that the circulation of goods within the country shall be entirely free. All restrictions hindering the transport of goods form one Province to another or from one city to another are lifted. The circulation of goods in the 15-kilometer frontier zone will be governed by special regulations prescribed by the ministry of food, in accord with the ministry of commerce and the ministry of finance. Likewise the council of ministers, upon the proposal of the ministry of commerce, will issue special decrees with a view to combating any attempts to corner and to increase the price of foodstuffs.

The exportation of commodities to foreign countries is free with the exception of the following:

Wheat, barley, bran, rye, Indian corn; flours; milling products from wheat and corn; soup paste and cooked paste; haricot beans, lentils, and green peas; potatoes; cattle (live and dead), hogs (except horses for butchering), fresh meat; fats and table oil (edible oil); sugar and honey; wool, wool waste, and wool products (except carpets and rugs); hemp and flax and their products (except cordage); hides of cattle, buffalo, and horses and their products; soda and soda products; gold and silver; raw iron, semi-manufactured iron (except cold-rolled hoops), old iron, wire nails (except forged nails), and manganese ore; coal (except charcoal) and mineral oils.

The exportation to foreign countries can only be made in exchange for money designated by the Minister of Finance, who will establish also the manner in which the payment is to be guaranteed, and only after the payment of the export taxes prescribed in the tariff published at the same time. The duty will be based upon the net weight after deducting the tare provided for the import tariff for the commodity in question. In fixing the tariff, the needs of national reconstruction will be taken into consideration. The duty will be paid at the custom-house at the time of exportation.

The Ministry of Commerce, in accord with the Ministry of Finance, and after having consulted the Economic Council, will prescribe special regulations governing the exportation of commodities and raw products to be manufactured or repaired.

MEXICO.

Removal of Embargos.

The Mexican embargo on the exportation of sugar has been removed on July 20, 1920, and the export duty has been increased to 20 centavos per kilo, or to about 4½ cents per pound. The decree of July 1, 1920, increased the duty from 5 to 10 centavos.

The embargo on the exportation of cotton has been removed on September 1, and is replaced by an export duty of 5 centavos per kilo.

NEW ZEALAND.

Embargo on Adulterated Kauri Gum.

An Order in Council of May 14, 1920, published in the New Zealand Gazette of May 27, 1920, prohibits the exportation of kauri gum that in any way has been aduterated or mixed with other gum.

PORTUGAL.

Articles Free of License.

A decree of June 14, 1920, provides that the following articles may be exported or re-exported without an export license from the Minister of Commerce:

Preserved fish in olive oil; almonds; carobs; figs; cocoa (exported or re-exported from the Continent or adjacent islands); cocoa (exported or re-exported from the colonies to foreign countries); chocolate; fish skins; wine and vinegar; industrial or denatured alcohol; other derivatives from wine except alcohol; glue; copper; and other minerals, not specified; tin ore; wolfram; cement copper; manufactures of laces; strings for musical instruments; artificial flowers; common wood, sawed for cases or barrels, not over 1.70 meters long and 0.25 centimeters thick (meter, 100 centimeters, 39.37 inches); ordinary lumber, sawed for construction, ties and beams, not over 0.12 centimeter in diameter; and ordinary lumber, sawed and prepared for floors and ceilings.

RUMANIA.

License for Exports.

A royal decree of April 10, 1920, provides that the exportation of goods from Rumania may be effected only under authorization of the Minister of Industry and Commerce, under the conditions stipulated by this decree and special regulations yet to be established. A committee is appointed by the Minister of Industry which shall issue to private individuals the authorization for exportation.

Export Duties.

Payment for the products purchased for the export is made in lei. When private individuals export on their own account, in conformity with the dispositions of this decree, the minimum value of the export goods is calculated in lei and is thus registered in the authorization for export, indifferent to the method of payment existing between the exporter and the foreign buyer. The State purchases goods in the country for exporting at the domestic price. When private individuals export, the value of goods is established in the following manner:

The price of the goods in the principal markets for the last 15 days is taken as a basis, and the average price is calculated in French francs, keeping in view the respective exchange and freight. The price established in this manner is converted into lei at the current rate of exchange at the first of every month, and is to be used for that month.

For this purpose a special commission for establishing price is instituted, composed of the Director General of Commerce, Director General of Custom Duties, a delegate of the Chamber of Commerce in Bucharest, and two specialists appointed by the Minister of Industry and Commerce.

On the goods authorized for export the State collects the following ad valorem taxes as follows. From the difference of the local (domestic) price and the price for export the State takes the following quota:

(A) 10 per cent. if the difference represents up to 20 per cent of the domestic. (B) 25 per cent if the difference represents up to 50 per cent of the price. (C) 50 per cent if the difference represents up to 100 per cent of the price. (D) 60 per cent if the difference exceeds 100 per cent of the prices. The price commission will establish monthly average domestic prices.

The former duty tax of 20 per cent ad valorem is no longer collected, same being replaced by the taxes mentioned in this article. The present decree entered into effect May 1, 1920. Engagements made for export up to May 1, 1920, will follow the regulations in force prior to this decree.

SALVADOR.

Embargo on Sugar.

A presidential decree of May 14, 1920, published in "El Diario Oficial" of May 15 prohibits the exportation of sugar of any kind from the Republic of Salvador.

By a presidential decree of June 1, 1920, the prohibition of exportation of brown sugar (panela) and sugar of any class, as published in "El Diario Oficial" for May 14, 1920, does not affect export licenses for sugar granted by the decree of December 2, 1919, nor brown sugar and loaf sugar which, on May 12, 1920, was declared for shipment or covered by previous contracts by the Ministry of Hacienda.

SIERRA LEONE.

Embargo on Gum Copal.

An order in council of April 26, 1920, prohibits the exportation of gum copal from that colony for a period of three years beginning September 30, 1920.

SPAIN.

Permits for Rice.

The exportation from Spain of 30,000 tons of rice was authorized by royal order November 14, 1919. The export permits issued for the first 15,000 tons were chiefly to merchants. Accordingly, a royal order, of March 18, regulated the

distribution of the second 15,000 tons, authorizing rice growers and agricultural associations to export 10,000 tons of rice, while licenses for the exportation of the remaining 5,000 tons will be assigned pro rata to merchants and dealers having made application therefor.

URUGUAY.

Embargo on Wheat Products.

A decree of March 26, 1920, prohibits the exportation of wheat and wheat products from Uruguay.

New Duties on Animal Products.

The following official valuations have been fixed for the year 1920-21 for the assessment of export duties: Dry cattle hides, 65 pesos per 100 kilos; salted cattle hides, 60 pesos per 100 kilos; sheepskins, 50 pesos per 100 kilos, except pickled, tanned, and sweated sheepskins, which are free of duty; raw wool, 80 pesos per 100 kilos; half-washed wool from depilation process (pulled wool), 80 pesos per 100 kilos; washed wool, 105 pesos per 100 kilos; tallow, 32 pesos per 100 kilos. The export duties are 4 per cent. of these valuations, which went into effect in the beginning of the new fiscal year, on July 1.

II. Import.

ALGERIA.

Prohibition on Newsprint and Paper Pulp.

(See "France" below.)

Temporary Reduction of Duty.

(See "France" below.)

ARGENTINA.

Increase in Duties.

A new tariff law was promulgated in Argentina on July 6, effective July 7, 1920. This law provides an increase of 20 per cent. in all nominal valuations, the percentage of duty to remain unchanged. This is equivalent to an increase of 20 per cent in the duty on all imported articles.

Labeling Edible Products in Buenos Aires.

A new municipal regulation requires that the labels on edibles shall bear (in Spanish) the name of the product, the quantity, metric measurement, the name of the Argentine importer, the ingredients, but not their percentage. Coloring and preservatives are prohibited. The prohibition is already in effect, but is being protested.

AUSTRALIA.

Prohibition on Dyes Effective.

All Australian import prohibitions have been removed May 24, 1920, except those on dyes.

Prompt Forwarding of Shipping Documents Necessary.

The Australian Department of Trade and Customs decided that after January 1, 1921, the goods will not be delivered until the shipping documents come to hand. No exemptions to this rule will be made, except in the most exceptional cases, and even then an extra duty amounting to at least 50 per cent of the ordinary duty will be required pending production of the complete documents.

Additions to the List of Free Articles.

The following articles may be admitted into Australia free of import duty under special license for use in the manufacture of other commodities: Snaps for harness and saddles; buckles for trousers; felt wads for cartridges; machines for the manufacture of reed or basketwork from cordage made of paper; machines for the manufacture of barbed wire; graphite electrodes; clear ruby mica for lampware; bobbin and spool barrel boring and reaming machines for woodworking; bobbin and spool barrel turning lathes; paper finishing, cutting, and folding machines; lace-making machines; machines for applying rubber internal wire tires to wheels; machines for close-jointing rubber internal wire tires after application to wheels; metal tube making machines; brass tubing for lighting systems, 3-16 inch and under; developing, washing, and toning machines for photo printing; automatic exposing type printing and cutting machines; brushing and steaming machines for making yarns; alkali evaporators; metal kit-bag frames under 22 and over 12 inches; fancy frames for ladies' handbags; locks for bags, portmanteaux, etc.; glasses for motor goggles; shell-forging presses for metal working; and aluminum sheets for making motor-car running boards.

BELGIUM.

Maximum Meat Retail Prices.

The Ministere du Ravitaillement published an order revising the Government prices on retail meats.

Below are the maximum prices set forth in the new schedule:—

Meat for roasting and frying (loin, sirloin steak, fillets, rib, shoulder and leg roast), without bone 11 francs, with bone 9 francs per klg. Meat for stewing (low rib, shoulder, "spiring"), 8 francs per klg. Meat for boiling (breast and rib plate, steaks), 5.50 francs per klg. Hashed meat, 7.50 francs per klg. Suet 4.50 francs per klg. Melted fat, 6.50 francs per klg. The order came into force on June 19, 1920.

Articles Subject to Licenses.

A decree of May 7, 1920, provides that the products, which formerly were subject to a certificate of origin or an import license granted by the Minister of Economic Affairs, are provisionally exempt from the certificate of origin or the import license, with the following exceptions: Dyes with aniline base, toys, agricultural machines of all kinds, and separate parts.

Increase of Duties by Coefficients.

The Belgian law of June 10, 1920, authorizes the Government to increase specific import duty by means of coefficients, which must not exceed 3. Such increases may be applied by the Government without special legislative action, but must be submitted to Parliament for enactment immediately, if it is in session, or as soon as it convenes. In case of failure by Parliament to enact the measure, excess duties collected are to be refunded.

The coefficients, by which the existing rates of duty are to be multiplied, are, theoretically, supposed to indicate the increase in the prices of the articles affected. Since the level of ad valorem rates is not affected by a change in prices, the coefficients are restricted to specific rates.

Article 4 of the law of June 10 provides for a change in the basis for ad valorem duties, which are to be levied on the value of the goods at the place and the time of their presentation to the customs, excluding import duties. Under the former law the basis for ad valorem duties was the cost of the goods in the country of origin, with the addition of freight, insurance, and commission. The change is probably intended to take care of the price fluctuation. In case of controversy as to dutiable value, the law provides for the institution of boards of experts and prescribes their methods of procedure.

In acordance with the authorization under the law of June 10, 1920, a decree was issued under date of June 12 providing for the application of coefficients to a large number of articles, the increases to remain in effect until June 5, 1921. A list of the most important articles affected, with their corresponding coefficients, follows:

The rates of duty on the following articles are to be multiplied by the coefficient 2:

(Item 7:) Wax candles; (ex 8) prepared cocoa; ex 9) roasted coffee; (ex 10) rubber tires; (ex 14) canned goods with sugar content of 20 per cent, vegetables preserved in tins or bottles, and preserves not specified; (ex 24) thread of cotton, wool, linen, ramie, and hemp, and that not specified, for retail sale; (ex 25) fruits-almonds, bananas, lemons, oranges, and figs, and peaches and other stone fruits not specified; (ex 27) hosiery, except of silk and silk mixture, and hats and caps, except of silk; (31) yeast and leaven; (ex 33) transmission belting and machines, except crude, hammered, drawn, or rolled; worked cast iron; steel wire for the manufacture of cables and ropes; wire or rods of iron or steel, except those of 5 millimeters or more in diameter, tubes of iron or steel; wrought iron or steel; wrougnt iron or steel; iron coated with copper, nickel, lead, or zinc, unwrought; tin and lead hammered, drawn, or rolled; (45) gingerbread; (ex 46) ordinary wall paper and paper not specified, with the exception of newsprint paper; (ex 50) caviar; (ex 51) common pottery, not specified; (ex 54) capsules of lead or tin or of their alloys, for bottles, jars, and other receptacles; cork round up and mixed with other materials in the form of bricks, tiles, etc; (ex 55) dutiable typographical products; (ex 59) common scented or toilet soaps and soaps not specified; ex 64) most fabrics, except those of silk or silk mixture, trimmings, passamenterie, tulles, etc., table cover, and carpets, and oilcloth for floors, and those not specified; (ex 66) glass and glassware, except broken glass; (ex 67) dead game and poultry; and (ex 68) vinegar and acetic acid.

Among the commodities subject to increase by coefficient 3 are the following:

(22) Spices and groceries: (ex 24) thread of silk, floss fruits other than apples; (ex 26) malt; (ex 27) pure and mixed silk hosiery and silk hats and caps; (ex 35) machinery of iron and steel and cast iron; (ex 38) gas matches; (ex 42) watches and watchcases; (ex 46) fancy wall paper, imitation leather and linçrusta, paper and cardboard for photographic uses, carbon paper, gilded, silvered, and metallized paper, stationery, copy books, notebooks, registers, etc.; (ex 48) dressed furs; (ex 50) caviar; (ex 53) dutiable chemical products; (ex 59) soaps and creams except common toilet soaps and soaps not specified; (ex 64) fabrics of silk and mixed silk, and oilcloth for wall covering; (69) wine; and (ex 70) motor cycles and passenger motor cars and automobile chassis weighing less than 2,000 kilos.

(Ex 14 and 41) Honey and artificial honey, (ex 24) dutiable yarn not prepared for retail sale, (ex 48) varnished and lacquered hides, and (ex 27) oats and oat flour are among a small number of articles having 1.5 for a coefficient; (ex 38) matches other than wax matches and cork stoppers, (ex 64) trimmings and passamenterie, tulles, etc., velvets and plushes, and certain floor coverings and table linens, and (ex 70) automobiles (other than passenger cars) weighing from 2,000 to 4,000 kilos, and all automobiles weighing over 4,000 kilos have 2.5 as a coefficient.

BOLIVIA.

Increased Fees for Consular Certificates.

Information has been received from La Paz to the effect that the fee for the certification of consular invoices covering goods destined for shipment to Bolivia has been increased from 2 to 3 per cent ad valorem by a decree issued in February last, with effect from April 26, 1920.

BULGARIA.

New Commercial Order

Order No. 460 of the Bulgarian Food Control (Direction de Prevoyance Sociale), dated May 22, 1920, and published in the Official Gazette at Sofia, June 10, 1920, was drawn up in acordance with the provisions of article 5 of the law for food control, as well as with the first decree of the Council of Ministers of January 1, 1919, protocol No. 3.

Articles 23-28, concerning imports and exports, are as follows:

Article 23. The import and export of all goods covered by the inclosed list is free, without a special license of the Prevoyance Sociale. The changes in the list will go into effect one month after they have been published.

Article 24. Every importer must produce an original invoice from the producer or the manufacturer certified to by a Bulgarian consulate, a local chamber of commerce, or a stock exchange, or, if none of these is found at the place of purchase, by the municipality. At the time of certification it should be particularly declared by the seller that the prices are genuine.

Article 25. An invoice from the foreign exporter, who has bought the goods direct from the producer and sold it to a Bulgarian merchant in the country of production, may be presented, but in the certification of this invoice there should be presented a certified copy of the original factory invoice.

Article 26. The invoice, countersigned by the importer with a statement "I declare that the present invoice is corerct and that the prices shown therein are the actual prices," must be deposited with a copy of the same in the chamber of commerce into whose district the goods are imported, or, if the customhouse is in a town where there is no chamber of commerce, then with the controller-delegate or the municipality. The copy certified by the chamber of commerce, the delegate, or the municipality is returned to the merchant.

Article 27. If in regard to imported goods a suspicion arises as to the genuineness of the prices, the certifying authorities may reduce them, and if the party concerned is not satisfied a commission is appointed, consisting of one controller-delegate and two members of the chamber of commerce or from among the merchant class—experts—to examine the question and decide as to the accuracy of the prices. All disputes are finally decided by the Direction of Prevoyance Sociale.

Article 28. The organs of the chamber of commerce are invested with the right to formulate indictments against each merchant who presents false invoices, who sells at a price above that fixed, and in general who violates any of the regulations of the Direction of Prevoyance Sociale. These indictments are to be turned over to the controller's section of the Direction of Prevoyance Sociale for further action in conformity with article 33 of the law for the Direction of Prevoyance Sociale.

Regardless of any punishment that may be imposed upon the violators of the regulations, the chambers of commerce will publish their names, stating the manner in which the regulations have been violated, and will recommend that other merchants have no dealings with them.

CANADA.

The Destructive Insect and Pest Act.

An order in Council of May 24, 1920, substitutes the following paragraph for subsection (h) of section 7 of the destructive insect pest act of Canada:

"Corn and broom corn, including all parts of the stalk, celery, green beans in the pod, beets with tops, spinach, rhubarb, oat and rye straw as such or when used as packing, cut flowers, or entire plants of chrysanthemums, aster, cosmos, zinnia, hollyhock, and cut flowers or entire plants of gladiolus and dahlia, except the bulbs thereof, without stems," from certain townships and cities of Massachusetts, New Hampshire, New York, and Pennsylvania.

The plant products mentioned are not permitted entry into Canada from these districts unless accompanied by a certificate of inspection issued by the United States Federal Horticultural Board.

Inspection of Dried Eggs.

Delivery of dried or desiccated eggs will be withheld by order of the Canadian Minister of Health pending receipt of a report from the health authorities. Samples of such dried egg shall be forwarded by the customs officers at each customs office to the nearest inspector for examination as to the quantity of zinc contained.

Prohibition Against Alfalfa.

The Dominion Government has issued an Order in Council prohibiting the admission to Canada of alfalfa (lucerne) hay, whether for feeding, packing, or other purposes, which originates in the States of Idaho, Utah, and in the counties of Uintah, Sweetwater, and Lincoln, Wyoming, and the counties of Dennison and Gunnison, Colorado.

Shipments of such hay transported through the sections in question on a through bill of lading are not included in the prohibition.

Under the above Order in Council the alfalfa weevil is added to the list of destructive insects, pests, and diseases enumerated in general regulations under the Destructive Insect and Pest Act established by Order in Council dated July 17, 1917.

Clearance Fees for Motor Vehicles.

Referring to the customs regulations in regard to overtime and special customs service, it is ordered that the following charge be collected for special customs service for each automobile and motor cycle crossing the frontier between the United States and Canada by highways on Sundays or between midnight and 7 a. m., on week days: Fifty cents for eacn automobile or motor cycle granted clearance, without further charge if returning home across the boundary within 24 hours. (Memo. 1748-B is cancelled.) This regulation does not apply at international ferries and international bridges where there is a regular customs service provided for.

Remission of Duty on Neat Cattle.

By an Order in Council of May 26, 1920, "the provisions of the Orders in Council of February 8, 1918, and January 30, 1919, providing for the remission and refund of duty on neat cattle imported into Canada by bona fide residents of Canada, have been further extended for a period of one year from February 7, 1920." The entry is made on the ordinary form of entry with a signed statement that the importer is a bona fide resident of Canada.

New Automobile Taxes.

An Act to Amend the Special War Revenue Act, 1915, passed June 30, 1920, includes in the list of excise taxes a tax of 15 per cent on automobiles adapted or adaptable for passenger use, retailing for not more than $3,000 each, and a tax of 20 per cent on such automobiles when retailing for more than $3,000 each.

This tax is payable on the American manufacturers' net price plus the 5 per cent United States war tax, plus the Canadian 35 per cent duty. The words "retailing for not more than $3,000" referred to in the act means that the American manufacturers' list price plus the customs duty shall not exceed $3,000.

By the same act, in addition to the present duty of excise and customs, a sale tax of 1 per cent is imposed, levied,

and collected on sales and deliveries by manufacturers and wholesalers or Jobbers and on the duty paid value of importations, but in respect of sales by manufacturers to retailers or consumers, the tax payable shall be 2 per cent.

This tax of 1 and 2 per cent, respectively, is payable to customs upon duty value at the time of importation. In addition to 1 per cent or 2 per cent on cars when imported, an additional 1 per cent is collected when sold to the ultimate consumer or when sold to a subdealer, who in turn sells to the ultimate consumer.

The tax of 2 per cent is applicable only upon importation by a retailer or user, in which case no further sales tax is payable. If imported by a wholesaler, the tax of 1 per cent is collectible and again when sold by him.

No excise tax is collectible as respects labor involved in making bona fide repairs. Wholesalers are charged a tax of 1 per cent on all parts sold for repairs of automobiles, accessories, ties, or repair parts, etc., purchased from importers and sold to the ultimate consumer or subdealer or garage.

COLOMBIA

Customs Declaration on Packages

Hereafter two fully completed customs declarations will be required on each parcel-post package addressed for delivery in the Republic of Colombia, according to an order issued by the Post Office Department.

Consumption Tax on Medicines

By a decree of April 22, 1920, foreign medicines or medicinal preparations which are imported into the country after May 15, 1920, may circulate without the conditions exacted by the decrees regulating the consumption tax; but the importers of such articles will have to prove by means of the respective customs declaration that the consumption tax has been paid.

The actual stock of these articles and those which are imported before May 15 will be duly stamped before that date, including all those found in bond.

Importers of foreign medicinal preparations which arrive at their destination after May 15, but which have been imported before that date, will have to advise in writing the local fiscal officer, send the transit permit, and have all the articles stamped at once.

Storage Tax at Barranquilla.

According to a decree approved April 29, 1920, merchandise deposited in the customs warehouses at Barranquilla will be subject to a storage tax of 10 pesos gold daily per metric ton (2,204.6 pounds), to commence ten days after the interested parties have been notified by means of bulletins placed in the customhouses and signed by the collector and his secretary that the examination has been completed and that the shipment is ready to be delivered to the owner.

In case there is not sufficient room in the customs warehouses for shipments already cleared as well as for new shipments, the former, after the expiration of the 10-day time limit, will be moved to the yard of the customhouse, without the Government assuming any responsibility for any damage that may result.

COSTA RICA

Increased Duty on Wheat

By a law published in the Gaceta of May 25, 1920, an import duty of 0.03 colon per kilo is levied on wheat imported into Costa Rica by manufacturers or other importers.

The law repeals the law of January 6, 1920, effective February 6. The new duties became effective at once.

CUBA

Increase in Duty on Jewelry

The Cuban Congress has passed a bill on July 1, 1920, increasing the import duties on jewelry by 25 per cent. ad valorem. The bill will become effective immediately upon being signed by the president. This increase is made in order to meet the expenses of the increase in salaries granted to public employees.

CZECHOSLOVAKIA

Trade Restrictions

It is announced that at a recent meeting of the Commission for Foreign Trade, which was attended also by banking interests and representatives of the Minister of Finance and Commerce, it was decided to limit importation into Czechoslovakia to foodstuffs, essential raw materials, and such finished products as are absolutely necessary. The limit of the importation by any individual firms is to be 250,000 crowns per month, but in order to avoid obstructions to foreign trade and industry, exceptions will be made to this rule.

Increased Surtaxes.

From May 10 1920, a change has been made in the provisions regarding the payment of customs duties under the Czechoslovak customs tariff. All duties are payable in Czech crowns at the following increased rates:

1. Duties hitherto levied in francs are now payable in Czech crowns, plus a surtax of 500 per cent. (The duties levied in francs could formerly be paid in crowns at the rate of 3.2 crowns to the franc.)

2. Duties hitherto levied in Czech crowns, plus a surtax of 200 per cent., are now subject to a surtax of 300 per cent.

3. Duties hitherto levied in Czech crowns without surtax are now subject to a surtax of 100 per cent.

DENMARK

Restrictions on Slesvig Imports Removed

Restrictions on the importation of the following articles from the Slesvig plebiscite territories are removed: Feedstuffs, grain, roots, cattle, hogs, goats, sheep, foodstuffs, fuel material, including petroleum, fuel oil, etc.; all kinds of fertilizers.

ESTHONIA

Prohibition on Imports

All imports in Esthonia, except raw materials for Esthonian factories, oil, coal, agricultural machinery, tools, cotton, and salt are prohibited beginning August 1, 1920. Transit trade is not affected by this prohibition.

FRANCE

Temporary Reduction of Duty

A decision of the Minister of Finance, dated June 14, 1920, and published in "Le Journal Officiel" of June 15, provides that the following merchandise may be imported on payment of the old import duties not increased by the tariff coefficients in cases where they are destined for reexportation after having been transformed, manipulated, or made up. Importers of such merchandise must give guarantees that they will be exported within six months after they have undergone further manufacture or modification. The list of goods is as follows: Tin in sheets for the manufacture of boxes and various other products; copper, brass, and bronze wire working or for the manufacture of wire gauze; yarns of silk floss to be twisted or thrown; knit fabrics for the manufacture of pneumatic tires; cloth for the manufacture of clothing and underwear; cloth to be embroidered; embroidered ornaments for the trimming of postcards; paper for books and periodicals; porcelain, brush makers' wares, wickerware, lacquered trays, boxes and caskets of lacquered wood from China and Japan intended for further manipulation.

The above decision may be extended to other merchandise to which coefficients are applicable upon request by those interested and prepared to furnish proof that they are justified in receiving this preferential treatment.

This decision applies also to Algeria.

Reimposition of Duty on Beet Sugar

A decree of May 27, published in "Le Journal Officiel" for June 2, 1920, reestablished the import duty on beet seed that was suspended by a decree of November 21, 1914. (The duty on decorticated beet seed for planting before the duty was suspended was 60 francs per 100 kilos or $5.25 per 100 pounds; on those not decorticated the duty was 45 francs per 100 kilos or $3.94 per 100 pounds.)

Prohibition on Newsprint and Paper Pulp.

A decree of June 16, 1920, published June 19, prohibits from the date of publication the importation into France and Algeria of all newsprint paper and wood pulp for the manufacture of newsprint paper, except under special license from the Minister of Finance. Goods enroute to France or Algeria or declared at warehouses before the publication of the decree are not subject to prohibition.

Changes in Coefficients.

A decree of June 27, 1920, published in "Le Journal Officiel" of July 2, establishes the following tariff coefficients: (item ex 175) marble, including that suitable for statuary, sawed less than 16 centimeters thick, coefficient 2, (formerly 0); same, carved, polished, etc., coefficient 3 (formerly 0); (item ex 301 bis, ter) pencil leads, plumbago, colored, copying, pastel, and redchalk, coefficient 3, (formerly 1.5), same of camelina, 1.5 (no change); (item 567) tubes of iron or steel, buttwelded, with an internal diameter of from 14 to 16

millimeters, external diameter from 26 to 28 millimeters, coefficient removed (formerly 3).

Recent Revenue Legislation.

Regulations relating to turnover tax on imported goods are contained in a French Ministerial Decree, dated 1st July, and published in "Le Journal Officiel" on the 2nd. An outline of the decree is given below:

The first part of the decree deals with goods imported from foreign countries, Algeria, French Colonies, Possessions and Protectorates, and from the Saar Basin.

Section I. (Tax of 1 1-10 percent)—this tax is levied by the Customs when goods subject to it are declared for consumption. It is leviable on all goods other than "articles of luxury," whoever be the importer, and on "articles of luxury" when the payment of the tax of 10 per cent is not dispensed with as provided in the section relating to the 10 per cent. tax (Article 1).

Consignments must be accompanied by an invoice (original or copy) containing the name, address, and business of the consignee and details of the articles affected and their price (Article 2).

The tax is paid on acount of the consignee by the declarant (Article 3).

For the purpose of applying the tax the value of the goods is that in the French market, that is, the total of the price made up by the purchase price abroad, expenses of transport, insurance, export duties, and other expenses incurred up to the arrival in France, and also import duties and consumption and circulation taxes, etc. The amounts of Customs duties and internal tax are added to the invoice when they have been assessed or paid. Dusputes as to the prices are to be settled by "expertise," in the same way as ordinary Customs disputes (Article 4).

Section II. (Tax of 10 per cent.) This tax of 10 per cent (without tithes) is levied by the Customs on articles classed as "articles of luxury" and destined for the consumers; that is, when such articles are not consigned to traders to be resold either as they are or after being changed in any way (Article 5).

The requirements as to invoices, and other provisions respecting the payment of the tax and the establishment of the dutiable value, are similar to those referred to above (Article 6 to 8).

In order that "articles of luxury" may be subjected to the 1 1-10th per cent. rate, instead of the 10 per cent. rate, importers must submit to the Customs Office a written declaration in duplicate (containing the particulars specified in the decree) to establish that the goods are imported for purposes of trade (Article 9).

Schedule B.—Goods classed as "Articles of Luxury" when sale price exceeds that specified in the decree:

Alarm clocks, carriage clocks, office clocks, timepieces and clocks (cartels) articles for religious purposes. Articles of imitation bronze. Aviaries and bird cages. Bookbindings of various sizes. Boots and shoes. Brushes, combs, and other toilet articles. Carpets, rugs, table covers, etc. Ceramic wares (dining services, etc., toilet sets, etc.) Chandelierrs, hanging candelabra, etc. Chocolate and cocoa. Clothing (including underclothing) and accessories therefor. Collars and leads for dogs. Confectionery. Corsets, stays, etc. Curtains, bed hangings, window hangings. Cutlery with cutting edge less than 25 cms. Engravings, prints, art photographs and photographic reproductions of works of art. Fancy articles for offices. Fans. Feathers for wearing apparel and boas, etc., thereof. Fire-irons. Fishing tackle except fishermen's nets. Flowers, natural, artificial or sterilized; conservatory or house plants. Furs and peltry. Furniture. Glass and crystal wares. Gloves. Handkerchiefs. Hats (men's and women's. Horse carriages for private use. Household linen. Jewelry of common metals, gilt, silvered or not, except table utensils. Lace, embroidery, guipure. Leggings and gaiters. Mirrors and looking glasses. Moroccoed and leather wares. Motor cycles, cycles, cycle-cars side cars, and the like. Musical instruments not included in Schedule A. Perfumery; soap, powders, toothpaste of all kinds, dentifrices and toilet spirit. Photographic apparatus and object glasses, except apparatus and objects for radiography or medical use. Picture, etc., frames. Postage stamps for collections. Reading lamps. Saddlery, smokers' articles. Sporting articles. Stylographs. Tapestries (wall hangings) of all kinds. Tissues of all kind for clothing and upholstery. Toys. Trunks, valises, travelling-bags, toilet cases. Umbrellas and parasol. Walking sticks (except those for cripples' use) and riding whips. Wall paper of all kinds. Watches other than those included in Schedule A. Window blinds. Wines.

Section III. (Tax of 15 and 25 per cent.) The taxes of 15 and 25 per cent are levied on all spirits, full-bodied wines and fine wines, other than those consigned to wholesale traders, in which case only the 1 1-10th per cent tax is levied. These taxes are levied at the Tax Office at the same time as the consumption taxes. The Customs are to collect the taxes in certain cases, such as small quantities imported by travellers (non-traders). (Article 10).

Article 11 provides that the taxes of 1 1-10th and 10 per cent. to be levied on consignments sent by post, and on articles brought to travellers in so far as they are not recognized as personal articles in course of use, in respect of which the Customs Tariff provides for exemption from import duty and internal taxes.

Article 14 provides that goods declared for warehousing, "temporary admission," transit, transshipment, etc., are not subject to the taxes.

Further, "ouvrages de mode," robes and mantles, lace and feathers, are not to enjoy the exemptions accorded by Article 72 of the law.

The consumption tax on sugar has been increased from 46 to 50 francs per 100 kilos.

The following increases have been made in the fees levied for hallmarking articles of precious metals of foreign as well as domestic origin: from 37.50 to 150 francs per hectogram (100 grams) on articles of platinum, from 37.50 to 60 francs on articles of gold, and from 2 to 3.50 francs on silver articles.

Partial Abolition of Restrictions

A decree of July 22, published in "Le Journal Officiel" for July 25, abrogates the French import prohibitions contained in table A of the decree of April 23, 1920, retaining the prohibitions only on the following articles: (Item 57) Fine pearls; (item ex 84) grapes for wine making, etc., and must; (item 87 bis) figs, raisins, and dates for distilling or wine making; (item ex 170 bis) cut flowers; (item 170 ter) alcoholized grape must (mistelles); (item 171) wines produced by fermentation of wild grapes; (item 173 bis) raisin wines and beverages not specified (item ex 175 ter) precious stones, cut, except those for industrial uses; (item 459 bis) embroideries; (items 497 to 503 bis) watches; (item ex 509) watch fittings; (item 580) portable arms of war, etc.; (item 581) arms for collections, etc.; (item 582) cannon and their carriages; (item ex 586) empty cartridges for war; (item 587) projectiles. Special licenses may be authorized for the importation of these articles.

The tariff coefficients are increased on about 40 items included in table A of the decree of April 23, 1920. The highest coefficient is 7.1. There is no increase in the duty on automobiles or photographic apparatus.

GREAT BRITAIN

Temporary Removal of Apple Price Control

Food Controller released imported and domestic apples from all price control in Great Britain from August 1 to November 14, after which maximum control retail price will be 10 d. instead of 9d. A new schedule of imported wholesale prices is in preparation.

Changes in Trade Restrictions

The British Food Control has announced on June 3, 1920 that the control of dried fruits will be discontinued as from August 2, after which there will be no restriction on the importation of dried friuts into the United Kingdom by private traders, and the maximum prices, both wholesale and retail, at present in effect, will be no longer in force. Accordingly the Dried Fruits (Restriction) Order, 1919, the Dried Fruits (Wholesale Prices) Order, 1919, and the Dried Fruits (Retail Prices) Order, 1918, will be revoked as from August 2. The Food Minister has ordered that no person may have the delivery of hops arriving in the United Kingdom after June 10 except under license from the Food Controller.

INDIA

Removal of Restrictions on Bullion and Coin

The Government of British India has announced that from June 21, 1920, all restrictions on the importation of gold bullion and foreign coin are removed, and that until July 12 all the ratio would be 15 rupees to the pound. After July 12 all restrictions on the importation of British gold coin have been removed, but such coin ceased to be legal tender, pending new legislation on the subject.

ITALY

Reduction in Duties on Fuel Oil

The Italian tax on imported fuel oil has been reduced from a total of 240 lire to 11 lire in currency per ton of 1,000 kilos. A summary of the new provisions is as follows: The consumption tax of 80 lire in gold or 160 lire in currency has been reduced to 5 lire in gold or 10 lire in currency per 1,000 kilos, plus 1 lire in currency for the statistical tax.

Crude mineral oil, in order to come under the classification as fuel oil, and enjoy the advantages of the new decree, must conform to the following specifications: It must be black in color and posses viscosity, be bituminous in appearance, with a specific gravity not less than 20 per cent. in weight, components distilling at a temperature less than 310 degrees Centigrade.

Taxes Extended to Venezia Giulia

By a royal decree of March 7, 1920, published in the Gazzetta Ufficiale, of June 1, the Italian customs tariff has been put into effect in Venezia Giulia, effective upon promulgation. It has also been decreed that the tax on manufactures shall be collected in Venezia Giulia on all kinds of goods which are subject to such tax in Italy.

The Royal Venezia Giulia Government has also decreed that the import tax on alcohol be increased to 500 lire per hectoliter (1 hectoliter is 26.41 gallons). A manufacturing tax of 100 lire per 100 kilos will be collected on all imported goods containing a quantity of sugar. The import duty on manufactured tobacco is increased to 130 lire per kilo on cigarettes, Manila and Havana cigars, and to 70 lire per kilo on tobacco of other kinds.

Extension of Free Importation of Cereals.

On December 28, 1919, a decree was issued whereby the free importation of wheat, which had been permitted since January, 1915, was extended until June 30, 1920. By a recent decree, June 5, 1920, the above provisions have been still further extended, so that cereals may be imported into Italy free of duty until December 31, 1920.

Removal of Restrictions.

The importation of the following commodities has been authorized: Filter paper, (until further notice); woolen felt for papermaking machines; green vegetable seeds, even when classifiable as "oily seeds"; and typewriter ribbons.

Notice has been received from the Ministry of Finance that the following articles may now be freely imported into Italy: Containers of goods (as distinguished from outer packing), if previously subject to duty under the Table A, added to the Royal Decree of July 24, 1919 (pasteboard and merchandise in wood, ordinary small ware); boxes containing an assortment of paints, brushes and other accessories for painting, classified in Customs House list under "ordinary small wares."

JAMAICA

Present Customs Tariff Continued.

The Jamaica Gazette of 6th May contains copy of Law No. 7 of 1920, by which the increased Customs Import Duties imposed by Laws No. 3 of 1916 and No. 11 of 1919 are continued in operation until 31st March, 1921.

Tariff Preference for British Cotton Piece Goods

A resolution was adopted by the Legislative Council of Jamaica on May 27, 1920, amending the tariff law by granting a preference to cotton piece goods manufactured in the United Kingdom. The resolution reads as follows:

That this council adopts the report dated May 19 of the select committee that further preference be given to pure cotton piece goods made in the United Kingdom entirely of cotton grown in the British Empire so that the duty on such goods shall be 8 1-3 per cent. ad valorem, which is a preference of 50 per cent.

Suspension of Dyestuff Prohibition.

On August 20, the restriction on the importation of foreign dyestuffs into Jamaica has been suspended temporarily.

JAPAN

Tariff Revised.

A revised tariff law is to go into effect in Japan on August 29. The following articles are to be placed on the free list on that date: Explosives, machinery, and essential supplies for mining coal and gold; machinery for use in iron and steel plants with an annual capacity exceeding 35,000 tons; and seeds. Goods stored in bonded warehouses before August 29 will be subject to the old rates of duty. Mineral oil with a specific gravity not exceeding 0.875 is to be dutiable at 0.19 yen per 10 gallons, instead of 0.96 yen.

JUGOSLAVIA

Prohibition on Certain Luxury Articles

A decree, dated 11th June, effective as from 18th June, modified the list of articles prohibited to be imported into the Kingdom by the Decree of March 19th.

The prohibition on the importation of the following articles is withdrawn:

Velvet, fulled, for men's clothing; boot and shoe laces; models (patrons) for painters, made of oiled cloth or of moulding carbon; fabrics of horse hair; boots and shoes of cloth of all kinds, without soles, except those of silk or mixed silk (which remain prohibited); tooth brushes and shaving brushes, with handles of animal carving materials; buttons of bone, deer horn and other unspecified animal materials, in the rough; wooden chairs, hairpins wholly or partly of celluloid, not combined with fine or very fine materials; buttons or knobs of corozo-nut, porcelain, glass, zinc or tin; artciles of German silver for technical, building or industrial purposes; ornaments for military uniforms and ornaments for religious purposes; ribbons and hosiery tissues of any material for use in the manufacture of men's hats, where the importer is a manufacturer.

The importation of the following articles is prohibited; Patent leather; boots and shoes wholly or partly of patent leather, or wholly or partly of deer skin; patent leather cut out for boots and shoes.

The minister of Finance, on the proposal of the Direction-General of Customs, and after consulting the Customs Council and the Economical and Financial Committee, is authorized to allow the importation of all articles necessary for industrial enterprises, works, and trades, as well as of surgical materials, and dressing, balance and intruments of precision for chemists, on compliance with the regulations to be issued by the Minister of Finance.

Removal of Prohibition on Films

The prohibition on the importation of cinematograph films into Jugoslavia has been withdrawn.

NEWFOUNDLAND.

Prohibition on Importation of Sugar.

The local press of June 13, 1920, carried an announcement published upon the authority of the Government, that no sugar shall be imported into Newfoundland unless a permit to do so shall have been obtained beforehand from the Food Control Board. This order went into effect June 1, 1920.

NORWAY

Prohibition on Luxuries

The Norwegian Government prohibited from August 19, 1920, the importation of the following articles, considered as luxuries, which were not paid for before August 19: Passenger automobiles, motor cycles, toys, floor coverings, precious-stone jewelry, pianos, gramophones, and other musical instruments, and the finer grades of the following articles: Cotton, silk and wool textiles; dresses; glassware; porcelain; furniture; furs and fur clothing; footwear; watches; and other articles. Import licenses are granted only in very special cases.

PERSIA

Importation of Synthetic Dyestuffs

The following statement of the requirements for the importation of synthetic dyestuffs into Persia has been received from the Persian Legation in the United States:

Chemical firms desiring to export to Persia chemical dyestuffs must fullfill the following formalities:

To furnish a list of dyestuffs that they wish to export and to attach to that list for each dye an official certificate issued by a Government or municipal laboratory stating that the dyes have been duly analyzed and recognized as fast and possessing all the qualities as stated.

To send samples of each dye mentioned on the list.

To furnish 50 samples of each label that is used on the boxes containing the dyes.

To give a written agreement that the dyes for exportation in labeled boxes will be subjected to a strict examination and be identified with samples submitted.

To admit that the Persian Government has a right at any time to take any of the samples exported and to submit the same to an analysis and to suspend the authorization of importation if the examination would not produce satisfactory results.

PERU

Increase in Customs Duties

A new law of sanitation supplying 32 cities and towns in Peru with adequate services of potable water, sewerage, paving, etc., has been recently enacted. One of the provisions states that a surcharge of 10 per cent. has been added to the customs duties on all goods imported into that country as a means of obtaining a part of the revenue needed for carrying out the works.

RUMANIA

Exemption from Duties

Under the decree law, No. 2530, a limited-share company, under the name of Reconstruction, is established for the object of financing the supply of constructional materials, and also, where it may be found necessary, rebuilding properties destroyeed by military operations or in consequence of the war.

The initial capital of the company will be 300,000.000 lei. and the company will be able to issue bonds. The State will furnish 40 per cent. of the capital, and the remaining 60 per cent. will be acquired by public subscription. This company will be administered by a council of 25 members, of which 6 will be nominated by the council of ministers.

For this purpose the State will grant to this company exemption from customs duties on machinery and equipment imported for use in yards and factories working for the company. The prices of these materials will be fixed by a special commission nominated by the ministry of trade and industry.

SALVADOR

Duty on Toy Vehicles

By a presidential decree of April 13, 1920, published in "El Diario Official' of April 17, 1920, children's vehicles have been classed as toys, with an import duty of 70 cents per kilo of 2.2 pouns. The decree reads as follows:

The classification of certain articles not being well determined, which, nevertheless, are toys by their form and name, gives place to different interpretations as to their appraisement in the customs house, and to avoid in the future the constant petitions made by interested parties to the department, it is decided that velocipedes, bicycles, tricycles, automobiles, carts, baby wagons, and in general, all vehicles for the exercise and amusement of children shall be dutiable as toys, those vehicles or objects which are not toys are exempted from this decision.

Tax on Empty Glass Bottles.

In accordance with a Presidential Decree of April 9, 1920, which appeared in "El Diario Official" of April 10, 1920, the tax of 1 cent gold per kilo of 2.2 pounds on empty glass bottles and half bottles will be continued for a period of two years from May 26, 1920.

Classification of Wall Board

A decree published in "El Diario Official" May 5, 1920, classifies wall board under item 346, which covers paper and cardboard in sheets, and paper and cardboard, tarred for roofing, dutiable at the rate of 1 cent gold per kilo of 2.2046 pounds. The duty went into effect immediatetely.

New Pharmacy Law.

Among the provisions contained in a new pharmacy law promulgated on June 10, 1920, the following are of special interest:

Article 1. The faculty of chemistry and pharmacy is composed of all persons to whom the National University has granted titles in that faculty, those who have obtained a professional title extended by the former faculty of pharmacy and natural sciences and the present faculty of chemistry and pharmacy and those who have been legally incorporated in these faculties.

Article 2. The faculty is to have an executive board called "Executive Board of the Faculty of Chemistry and Pharmacy." (Junta de Gobierno de la Facultad de Quimica y Farmacia), composed of a president, two voting members, a secretary and a treasurer invested with full rights, as well as two members and a secretary as substitutes. These are appointed by the executive power.

Article 10: The following duties are attributed to the executive board:

(j) To propose to the Government, whenever it seems fitting, such reforms as experience has indicated concerning the import duties on foreign medicaments, in order to facilitate the acquisition of those which are necessary and which are not produced in the country, and to encourage national industries.

(l) To form a list of the minimum quantities of drugs or medicines which can be sold.

(m) To order the analysis, in its laboratories, of the samples of the pharmaceutical specialties which are presented to it when applying for authorization for putting them on sale in the country, with the formula submitted and whether their sale is desirable or not.

After the analysis, if in the judgment of the board the sale of specialty should be authorized, the interested party will be given the corresponding license, the board reserving the right to analyze, when it sees fit, samples of the same product actually on the market.

Article 32. The preparation, conservation, and distribution of medicaments must conform to the regulations laid down by the French Pharmacopoeia as long as no national one is promulgated.

Art. 33. All medicaments shall be labeled with their proper names and regulated in conformity with the principles of science, in order to avoid dangerous errors.

Art. 34. Poisonous substances shall be kept under lock and explosives in conformity with the police laws.

Art. 56. The sale of patented medicines, national or foreign, without the authorization of the executive board is prohibited. Art. 57. Manufacturers who desire to obtain authorization from the executive board to sell their pharmaceutical specialties in the country will have to apply for it.

The following must accompany the application:

1. Six samples of the preparation.
2. The complete formula of the same, if it be foreign.
3. Evidence of having paid the fees for the corresponding analysis.

Art. 58. Every specialty, national or foreign, which is authorized by the board to be placed on sale shall be entered in a book kept for the purpose by the secretary's office, and the manufacturers must put the following legend on the labels, notices, or wrappers, etc., of each bottle or box: "Authorized by the executive board of the Faculty of Pharmacy of Salvador, date No. " without which its sale will be prohibited.

Art. 70. A fee of $5 or 10 colons shall be paid for the analysis of each pharmaceutical specialty at the time an application is made to the board for a sales permit. This fee shall be paid in the manner prescribed for the payment of the registration fees for drug stores and similar establishments.

Art. 71. Foreign pharmaceutical specialties whose sale is authorized shall be subject to the payment of an annual fee of 5 colons; no annual fee is to be collected on such specialties of domestic origin.

Ex.-Art. 72. Failure to pay the annual fee by manufacturers of pharmaceutical specialties will involve the loss of their rights and will necessitate an application for a new license.

Free Admission of Condensed Milk.

A decree of May 5, 1920, published in "El Diario Official" for June 19, 1920, provides for the importation of condensed milk free of duty and taxes. The decree went into effect on the day of publication.

Duty on Prussian and Ultra-Marine Blue.

A degree of June 23, 1920, published in "El Diario Oficial" for June 24, provides that Prussian blue and ultra-marine blue shall be dutiable as powder paint, item 382, at the rate of 12 gold centavos per kilo, or $0.028 per pound, when imported in quantities greater than 50 kilos. These colors have already been classed under the item when imported in small quantities.

Free Admission of Grinding Mills.

By an executive decision of July 16, 1920, mills for grinding corn or similar domestic uses, used specially for agricultural purposes, like "Little Giant" and similar makes, are to be admitted free of duty, regardless of whether they are to be operated by hand, animal power, or motor power.

SPAIN.

Exhibits for Barcelona Sample Fair.

A royal order, published March 11, 1919, grants temporary admisison free of customs duties to foreign goods destined for exhibition at the Barcelona Sample Fair to be held October 24, to October 31. Such goods as are exempt under this provision must be entered at the customhouse of Barcelona, Port-Bou, or Irun through the officially appointed customhouse agent at any of these places.

Regulations for Egg Yolk.

Upon the recommendation of the public health authorities of Spain a Royal Order, published April 17, 1920, prescribes

conditions for the importation of the yolks of eggs destined for industrial use. This product will be dutiable under paragraph 242 of the Spanish customs tariff, as other chemical products not specified, at the rate of 15 pesetas per 100 kilos, gross weight, or $1.31 per 100 pounds.

The Royal Order provides that yolks of eggs imported for industrial purposes in powder, liquid, or paste shall be denatured by the addition of nitrobenzol and one-thenth of 1 per cent of petroleum.

Change of Method of Applying Internal-Revenue Taxes.

According to the Royal Order of June 9, 1920, the Spanish customs authorities have changed the procedure in regard to the affixing of internal-revenue stamps to imported goods. Instead of paying the internal taxes at the customhouses, importers are now allowed to present a declaration for each package, specifying the character of the contents subject to the internal-revenue tax; the customs authorities affix the declaration to the corresponding package and issue a pemit, the duplicate of which is transmitted to the customs collector at the point of destination, where the internal taxes are paid.

Modification of Duties on Coal-Tar Dyes.

By Royal Order of May 18 published in the Gaceta de Madrid May 26, 1920, coal-tar and other artificial dyes in powder or crystals, including thio-carbon, imported from countries entitled to the minimum tariff are dutiable at the rate of 1.30 pesetas per kilo, net weight, effective May 27. The import duty applicable to colors in paste or liquid remains unchanged at 0 50 peseta per kilo, net weight (tariff section 205).

This modification was necessitated by the treaty with Switzerland, which asigned to articles comprised in section 204 a duty of 1.30 pesetas and to those comprised in section 205 a duty of 0.50.

STRAITS SETTLEMENTS

Suspension of Prohibition on Dyestuffs.

The prohibition against the importation of dyes not made in the British Empire, imposed last September, has been temporarily suspended.

SWITZERLAND.

Government Monopoly on Cattle Food.

The Swiss Federal Food Bureau, in conjunction with the Veterinary Bureau, has anounced that hereafter the private importation of bran, meal, and similar milling by-products used as cattle food included in items 215, 126A, and 216B of the Swiss tariff is forbidden, and that the importation of these articles wil be handled as a Government monopoly until further notice. The same authorities also announced that the importation of oil cake and oil-cake meal, including cocoa husks, covered by items 60 and 213 of the Swiss tariff, will be permitted until further notice, only on condition that merchandise be consigned directly to a Government warehouse use for provisional storage immediately after passing the frontier. The Food Bureau will issue import permits on application, according to the merit of each case.

Modification of Customs Duties.

The official Swiss Journal of Commerce of July 6 gives notice of a decree, dated June 23, 1920, which modifies the Swiss customs tariff affecting 259 items of the tariff schedule. An import duty has been placed on a considerable number of articles hitherto entering the country duty free, and an increase has been applied to other articles which were not affected by existing commercial treaties. The increases have been on a specific basis in every case. The new schedule is applicable to goods of any origin and becomes effective July 15, 1920, except for raw and manufactured tobacco (paragraphs 107-113) on which the new tariff became effective January 27, 1920. The present changes are to be considered as of a temporary nature, pending a complete tariff revision.

TUNIS.

Import Restrictions.

The Bey's Decree of May 10, 1920, published in the Tunisian "Le Journal Officiel" on May 12, extended to the Tunis, Provinces the French decree of April 23, 1920, prohibiting the importation of certain specified merchandise. (See decree of April 23, 1920, published under "France" in Vol. I. No. 1).

TURKEY.

Restoration of Old Tariff.

The customs officials have been notified August 19, that the import duties will return to 11 per cent ad valorem three months after the signature of the Turkish treaty.

The rate of 11 per cent ad valorem was applied to practically all imports into Turkey prior to the outbreak of the war. With the abrogation of the capitulations at the outbreak of the war, the duty was raised on October 1, 1914, to 15 per cent ad valorem. On June 2, 1915, a provisional increase to 30 per cent ad valorem took effect and in September, 1916, it was replaced by a comprehensive specific tariff, which has not been recognized by the allied and associated Governments.

UNION OF SOUTH AFRICA.

Invoice Requirements.

A declaration must be made on all invoices for shipments to that country. The notice of March 10, 1920, made as a substitute for a similar notice of 1913, reads as follows:

103. The person entering goods at importation shall produce, if required by the proper officer of customs, any document relating to the goods, and the invoice shall contain a statement in a prominent place made by the supplier showing clearly the current value for home consumption in the open market of similar goods in the principal markets of the country from which and the time at which the goods were imported. The invoice and covering statement also clearly show the cost of packing and packages and of carriage to the port of shipment.

Prohibition Against Japanese Brushes.

"The Cape Times" of May 27, contained the following announcement:

Owing to the recent discovery of anthrax germs in a consignment of shaving brushes and toothbrushes imported from Japan, a Proclamation has been issued by the Administrator of Southern Rhodesia prohibiting the importation of shaving, hair, tooth, and nail brushes manufactured in Japan into that territory.

A similar prohibition fo the same reason has been made in Australia, New Zealand, and Ceylon. In some cases the prohibition extends to brushes made from animal hair in all the countries of eastern and southeastern Asia, India, Japan, the East Indies, and the Philippines Islands, or in any other countries deemed in the opinion of the Collector of Customs likely to convey anthrax, and also to animal wool, hair, and bristles from any of these countries.

UNITED STATES OF AMERICA.

Declarations for Parcel-Post for Egypt.

Each parcel-post package for Egypt will have attached two customs declarations (Form 2966,) the reverse of one form printed to read, "The address of the parcel should be written on this side as well as on the parcel itself," to be left blank for use by the customs officials in Egypt. Notice published as section 24 on page 10 of the February, 1920, Postal Guide is modified accordingly.

URUGUAY.

New Duties on Drugs and Chemicals.

"El Diario Oficial" of April 6, 1920, published at Montevideo, contains the law of March 11, 1920, proclaimed on March 24, changing the valuations and import duties on drugs and chemicals, pharmaceutical preparations and specialties, and articles and apparatus for pharmacies, laboratories, photographers, and for dental and surgical purposes. These changes affect 1,244 items and in many cases greatly increase the duties.

Duties on Beverages.

By a decree issued on May 14, 1920, non-alcoholic beverages which are not manufactured in the country are exempt from customs duties, including additional charges. See same item under "New Laws and Regulations" above.

Consular Certification of Meat Certificates.

By a decree of June 11, 1920, it is provided that all shipments of refrigerated meats and preparations of meat imported for consumption in the country or in transit shall be accompanied by a sanitary certificate of origin viseed by the respective Uruguayan consul. A fee of 1 peso shall be charged by the consul.

Owing to a very large amount of legislative and tariff changes during the last three months and a desire to keep up to date in these, the most important parts of the journal, the editor was obliged to omit a number of original contributions and some of the permanent sections. The parts omitted will be included in the next issue due on January 1st, 1921.

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THE CANADA-WEST INDIES TRADE AGREEMENT.

Agreement entered into this eighteenth day of June, Nineteen Hundred and Twenty between Canada and British Guiana, British Honduras and Islands of Bahamas, Barbados, Bermuda, Jamaica, Leeward, Trinidad and Windward.

Trade.

Article I. The Dominion of Canada affirms the principle of granting a preference on all goods being the produce or manufacture of any of the Colonies aforesaid imported into Canada, which are now subject to duty or which may be made subject to duty at any future time.

Article II. Subject to the special provisions of Article III, the duties of Customs on all goods (other than tobacco, cigars, cigarettes, and spirituous or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada, which are now subject to duty or which may be made subject to duty at any future time, shall not at any time be more than fifty (50) per cent. of the duties imposed on similar goods when imported from any foreign country.

Article III. The Dominion of Canada will grant to the articles specified in Schedule 'A', being the produce or manufacture of any of the Colonies aforesaid, imported into Canada, the preferential treatment indicated in respect of each such article in the said Schedule 'A.'

Article IV. The Colonies aforesaid severally affirm the principle of granting a preference on all goods being the produce or manufacture of Canada imported into such Colonies, which are now subject to duty or which may be made subject to duty at any future time.

Article V. Subject to the special provisions of Articles VI and VII, the duties of customs on all goods (other than tobaco, cigars, and cigarettes) being the produce or manufacture of Canada imported into the Colonies aforesaid, which are now subject to duty or which may be made subject to duty at any future time, shall not at any time be

(*a*) in the case of Barbados, British Guiana, and Trinidad, more than fifty (50) per cent.

(*b*) in the case of British Honduras, the Leeward Islands, and the Windward Islands, more than sixty-six and two thirds (66 2-3) per cent.

(*c*) in the case of Bermuda and Jamaica, more than senventy-five (75) per cent., and

(*d*) in the case of the Bahamas more than ninety (90) per cent,

of the duties imposed on similar goods when imported from any foreign country.

Article VI. The Colonies aforesaid will grant to the articles specified in Schedule 'B,' being the produce or manufacture of Canada, imported into the said Colonies, the preferential treatment indicated in respect of each such article in the said Schedule 'B.'

Article VII. In the case of the Bahamas the provisions of Article V (*d*) shall not apply to wines, malt liquors, spirits, spirituous liquors, liquid medicines, and articles containing alcohol.

Article VIII. The Governments of any of the Colonies aforesaid on giving six months' notice may provide that to be entitled to the concessions granted in Articles V and VI the products of Canada shall be conveyed by ship direct without transshipment from the said Colony or from one of the other Colonies entitled to the advantages of this agreement into a Canadian port.

Provided that, should the discretion recognized in this Article be at any time exercised by the Government of Canada, provision shall be made, in all contracts entered into with steamships subsidized by the Dominion and the Colonies aforesaid, and plying between ports in Canada and ports in the said Colonies, for an effective control of rates of freight.

Article IX. This Agreement shall not interfere with any existing preference or with the granting of any future preference by the Dominion or by any of the Colonies aforesaid to any other part of the British Empire, or with any existing preference or the granting of any future preference by the said Colonies among themselves.

Steamship Services—Eastern Group.

Article X. The Government of Canada will use its best endeavors to arrange for a mail, passenger and freight steamship service to come into effect as soon as possible, and in any case within three years, between Canada, Bermuda, the Leeward Islands, the Windward Islands, Barbados, Trinidad, and British Guiana, on the following lines:

(1) Steamers shall sail weekly from St. John or Halifax calling for one week on the outward passage at Bermuda, Barbados, Trinidad, and British Guiana, and on the homeward passage at Trinidad, Grenada, St. Vincent, Barbados, St. Lucia, Dominica, Montserrat, Antigua, Nevis, St. Kitts, and Bermuda; on alternate weeks calling on the outward passage at Bermuda, St. Kitts, Nevis, Antigua, Montserrat, Dominica, St. Lucia, Barbados, St. Vincent, Grenada, Trinidad, and British Guiana, and on the homeward passage at Trinidad, Barbados, and Bermuda.

(2) The steamers shall be from 5,000 to 6,000 tons gross, capable of maintaining an ocean speed of 12 knots, and providing accomodations for 100 first class, 30 second class, and 100 steerage or deck passengers, and shall be provided with 'tween decks.

Article XI. The Government of Canada will stipulate in any contract entered into for such steamship service that:

(1) There shall be reasonable proportionate allocation of passenger and cargo accomodations between the Colonies mentioned in Article X.

(2) There shall be no unfair differentiation in rates of freight against the smaller Colonies as compared with the rates to larger Colonies situated at a similar distance from St. John or Halifax.

(3) The steamers shall be so constructed that, so far as the traffic warrants, cold storage shall be provided if this can be secured without unreasonable additional cost.

Article XII. If a subsidized steamship service is arranged for, the Government of Canada will endeavor to secure the co-operation of the owners of such steamship service towards the provision of hotels and bungalows in the Colonies, the Governments of the Colonies being prepared on their parts to offer such facilities as may be practicable, both as regards sites and financial assistance.

Article XIII. The representatives of the Colonies mentioned in Article X undertake to recommend to their Governments that these Governments shall contribute towards such subsidized steamship service, when established, in the following amounts annually:

Barbados	not less than	£ 5,000
Bermuda	"	2,000
British Guiana	"	7,500
Leeward Islands ...	"	2,500
Trinidad	"	7,500
Windward Islands .	"	1,500
		£27,000

Article XIV. Pending the establishment of such service the Government of Canada will use its best endeavors to maintain a fortnightly service on the existing lines and to supplement it with such additional freight or pasenger and freight vessels as the trade may require.

Steamship Services—Western Group.

Article XV. The Government of Canada, subject to the adoption by the Governments concerned of the recommendations embodied in Article XVI, undertakes to provide as soon as possible, and in any case not later than the 1st of January, 1921, a fortnightly freight, mail and passenger steamship service between Canada, the Bahamas, Jamaica, and British Honduras on the following lines:—

(1) The steamers shall not be less than 3,500 tons dead weight, shall have an ocean going speed of not less than 10 knots, and shall have accommodation for from 15 to 20 first-class passengers, and shall be provided with 'tween decks, and, so far as the traffic warrants, with cold storage if this can be secured with reasonable cost.

(2) The steamers shall sail from such Canadian ports as freight conditions require and shall proceed to Belize in British Honduras, calling at Nassau in the Bahamas, and at such port or ports in Jamaica as may be necessary, and at Nassau.

Article XVI. The representatives of the Colonies mentioned in Article XV undertake to recommend to their Governments, that these Governments shall, if the service proves unremunerative, contribute twenty-five (25) per cent of any loss; provided that the amounts contributed shall not exceed in the case of the Bahamas, the sum of £3,000 per annum, in the case of British Honduras, the sum of £5,000 per annum, and in the case of Jamaica the sum of £5,000 per annum.

Article XVII. This Agreement shall be subject to the approval of the Partliament of Canada and of the Legislature of each of the Colonies aforesaid, and of the Secretary of State for the Colonies. Upon such approval being given, the Agreement shall be brought into force at such time as may be agreed upon between the Governments of Canada and of the Colonies aforesaid by Proclamation to be published in the *Canada Gazette* and in the Official Gazette of each of the aforesaid Colonies.

Article XVIII. This Agreement shall remain in force for ten years after the Proclamation aforesaid and thereafter until terminated by twelve months' written notice given either by the Government of Canada, or by the Government of any of the Colonies aforesaid, but in the latter case the Agreement shall remain in full force and effect as to any of the other Colonies which have not given such notice.

Schedule "A."

Item No.	Article	Preference
135	Sugar..Degrees of Polarization.....	per 100 lbs. $ cts.
	Not exceeding 76	0 46.080
	Exceeding 76 and not exceeding 77..	0 47.616
	" 77 " 78..	0 49.152
	" 78 " 79..	0 50.688
	" 79 " 80..	0 52.224
	" 80 " 81..	0 53.760
	" 81 " 82..	0 55.296
	" 82 " 83..	0 56.832
	" 83 " 84..	0 58.560
	" 84 " 85..	0 60.288
	" 85 " 86..	0 62.016
	" 86 " 87..	0 63.744
	" 87 " 88..	0 65.644
	" 88 " 89..	0 67.584
	" 89 " 90..	0 69.888
	" 90 " 91..	0 72.192
	" 91 " 92..	0 74.496
	" 92 " 93..	0 76.800
	" 93 " 94..	0 79.104
	" 94 " 95..	0 81.408
	" 95 " 96..	0 83.712
	" 96 " 97..	0 86.016
	" 97 " 98..	0 88.320
	" 98 " —..	0 96.000

The customs tariff of Canada shall be amended so as to provide the sugar above number 16 Dutch Standard in color when imported by a recognized sugar refiner, for refining purposes only, upon evidence satisfactory to the Minister of Customs, shall not be subject to these duties, *i. e.*, the duties on sugar over No. 16 Dutch Standard, specified in item 134 of the Canadian Tariff.

The Canadian Government failing the adoption of the polariscope standard for tariff clasification, will use its best endeavors to establish a more stable color standard than the present Dutch Standard.

Provided that the sugar as defined under item 334 shall receive a preference of not less than 25 per cent. of the duty charged on foreign sugar.

Cocoa beans, not roasted crushed or ground (per 100 lbs.)	A preference of $1.50.
Lime Juice, raw and concentrated, not refined (per gallon)	A preference of 10 cents.
Limes, fresh	Free, as against general tariff of 15 per cent *ad valorem*.
Arrowroot, per lb.	A preference of one cent.
Cocoanuts, per 100 (imported direct to a Canadian port).	Free, as against general tariff of 75 cents.
Cocoanuts, n.o.p.	A preference of 50 cts per 100.
Grape Fruit	A preference of 50 cts per 100 lbs.
Rum	A preference of 60 cents per gallon of the strength of proof.
Onions	Free as against a general tariff of 30 per cent *ad valorem*.

Schedule "B."

Flour	Preference of not less than one shilling per barrel or bag of 196 lbs.

Spirits, *i.e.*, Brandy, Gin, Rum, Whisky, unenumerated, potable, if tested	Preference of not less than 2s. 6d. per gallon of the strength of proof.
Spirits, perfumed, unenumerated, potable, if not tested.	Preference of not less than 2s. 6d per liquid gallon.
Wine, beer and ale.....	Duty not to exceed four-fifths of full rate.

Declaration on Cable Communications.

With a view to the further promotion of the purposes of the Canada-West Indies Trade Agreement of even date the representatives of the Government of Canada, and of the Colonies named in the agreement will recommend for the favorable consideration of their respective Governments that direct British owned and British controlled cables should be laid as soon as possible, without waiting for the termination of the Agreement with the West Indian and Panama Telegraph Company, to connect Bermuda with Barbados, Trinidad, British Guiana, the Windward Islands, the Leeward Islands, and Turks Island or Jamaica.

The Government of Canada will institute inquiries as soon as practicable as to the possibility of arranging for the laying of such cables and will comunicate the results of these inquiries to the Governments of the Colonies.

GERMAN EXPORT DUTIES.

Germany, with the object of regulating its foreign trade, has had recourse to a system of duties on exports, and in so doing has resorted to the ad valorem system. The duty represents a percentage of the value of the goods which varies according to their quality and importance to Germany.

A proclamation dated April 17, 1920, relating to further export regulations, in addition to those contained in the ordinance concerning the control of foreign trade, decrees that the duties are to be levied in accordance with a special tariff based on the value as laid down in paragraph 9 of the export regulations. Export duties will only be levied on goods whose export is generally prohibited. An opportunity is thus given to control goods subject to the duty when the export license is applied for, as it must be in every case. In the case of goods whose export is permitted no duties are levied unless the export of such goods is subsequently forbidden. No duties are imposed in the case of interrupted transit trade. Acording to paragraph 3, no duty will, until further notice, be levied on export to the free town of Danzig or to the Saar and Memel districts, or to those of Eupen and Malmedy, provided that the goods exported are for the use of the districts concerned. Paragraph 4 provides that in the case of export of articles which are destined for exhibition at foreign fairs and markets, or those ordered on commission, or sent on approval or for repairs, and which return home unsold, the export duties may, on demand, be refunded. The new regulations came into force on May 1, 1920.

Products of Agriculture, Forestry, and Mining.

The list of the duties is drawn up in similar form to that of the customs tariff. For the first section, which relates to the products of agriculture and forestry and other animal and vegetable natural products, and foodstuffs, the duty is 10 per cent. Textile fibers, e. g., cotton, flax, jute, and the like, are duty free. An export duty of 10 per cent is levied on bark, animals, meat, and fish. Animal textile fibers, e. g., wool, are exempt. On hides and skins, the duty is 10 per cent; on furrier's waste, horns, and bones, 6 per cent; and on flour, 10 per cent. Products of the oil mills, in so far as they are not duty free, are subject to a duty of 6 per cent.

Products of the starch industry are subject to a duty of 10 per cent, except dextrine, for which the duty is 2 per cent. The duty on sugar is 10 per cent, with the exception of that on glucose, which is 2 per cent. In the case of spirits of all kinds and spirits of wine, fruit wine, and vinegar, the duty is 10 per cent. The same duty is levied on mineral water and ice, bran, and other residues from the manufacture of agricultural produce. Products of the food industries e.g., pastry, cocao, and chocolate, are charged 10 per cent. Raw tobacco is, as a rule, duty free, while there is a 2 per cent duty on cigars and 3 per cent on cigarettes.

The second section, which comprises mineral and fossilized raw materials, as well as mineral oils, starts with quarry products, for which in most cases a duty of 10 per cent is exacted, e. g., lime, gypsum, and cement; as regards ores, the duty on iron and manganese ores is 10 per cent; on gas purifying substance containing iron or manganese, 10 per cent. Fossilized fuels, pit coal, lignite, peat, and coke are duty free. Only the residues, similar in character to coke, from the distillation of mineral oils and tar, and also soft coal, are charged 10 per cent. A lower duty, 2 to 6 per cent, is imposed on mineral oils, but tar and coal-tar products, e. g., benzol, creosol, and aniline, have to pay 10 per cent.

Waxes, Chemical Products, and Textiles.

The third section deals with prepared wax, fixed fatty acids, material for candles, etc., on which the duty varies from 1 to 6 per cent; bees wax and vegetable wax are excepted and are duty free.

The rates for chemical and pharmaceutical products, dyes, and dyestuffs, which are dealt with in the fourth section, vary considerably. For example, raw salts, including potash salts, are duty free. On dyes the duties are from 2 to 10 per cent; on varnishes, enamel and putty, 2 per cent; on ether, alcohol, and volatile oils, 2 to 10 per cent. Turpentine oil, oil of oranges, and oil of lemons, etc., are duty free. Artificial fertilizers, ground basis slag, and explosives, are charged 10 per cent; and matches, 4 per cent.

In the fifth section, which comprises textile materials and manufactures, raw silk is free and silk goods are charged for the most part 2 per cent. Raw wool is free, woolen yarns pay 1 per cent, and woven goods, e. g., carpets, curtains, underwear, gloves, etc., from 2 to 4 per cent. Raw cotton is free, but on gloves, stockings, underwear, and lace fabrics, 4 per cent. is levied. Flax and hemp pay 5 per cent; linen and hemp yarns, 1 per cent; ropes and string, 2 per cent, belting and hammocks, 3 per cent; sacks 2 per cent; clothes, millinery, and other sewn goods, 5 per cent.

Leather and Rubber Goods, Brushes, Paper, etc.

The sixth section imposes the following duties on leather and leather goods, 6 per cent; for furs and furrier's goods, 8 and 10 per cent, if made of rabbit or hare skins; for other goods, 2 per cent.

The seventh section contains all kinds of rubber and rubber goods, and the duty is 2 per cent.

The eighth section refers to goods woven from vegetable substances, with the exception of textile fibers. These are charged a 6 per cent export duty, as are also brooms, brushes, and sieves, which are included in section 9.

The tenth section comprises carved or molded articles of animal or vegetable substances. Goods carved from animal substances pay between 2 and 4 per cent. All wooden articles pay 8 per cent, and cork goods 1 per cent.

The eleventh section comprises paper, pasteboard, and goods made therefrom. The duty is 10 per cent for semi-manufactures, kinds of pasteboard, for which the duty is 6 per cent., as it is also for various kinds of paper and paper goods. Books, pictures, and paintings pay 6 per cent (sec. 12.) Goods made of stone and other mineral substances pay from 2 to 10 per cent (sec. 13.) For earthenware of every discription (sec. 14) the duty is 10 per cent, as it is for glass and glassware (sec. 15). Precious metals

(sec. 16) pay low duties; Mine gold, gold coins, and platinum being exempt, while alloys of gold and platinum pay 1 per cent., goods made from them 2 per cent, and silver and silver goods 2 to 4 per cent.

Metals and Manufactures.

The seventeenth section embraces base metals and their manufactures. Pig iron pays 3 per cent; rolls, machinery parts, and iron articles in the rough, 5 per cent; cooking utensils, ranges and stoves, 6 per cent; sheet metal 3 per cent; railway sleepers and axles, 3 per cent; boilers, hammers, plows, wagons, fittings, 6 per cent. Aluminum in the rough is free at present, but 1 per cent when wrought. Articles made of wrought aluminum pay 4 per cent. Similar rates are imposed on the other base metals and articles made from them, zinc and zinc articles pay 8 per cent, as do gramophones, instruments of various kinds, and typewriters:

The eighteenth section contains the rates for machinery, electrotechnical articles, and vehicles. Steam engines and locomotives pay 6 per cent; sewing machines, 8 per cent; motor plows, 6 per cent; book-printing machinery of all kinds, 6 per cent. Electro-technical products pay for the most part 6 or 8 per cent. Most motor vehicles pay 8 per cent; seagoing vessels, 6 per cent.

Included in the nineteenth section are small arms of all kinds, on which the duty is 8 per cent; watches, which pay 3 and 4 per cent; clock works made of nonprecious metal, which pay 8 per cent; organs, 6 per cent; pianos and violins, 10 per cent; toys, 6 per cent.

U. S. MERCHANT MARINE ACT 1920.

The Act became law on June 6th. Below are given some of its provisions more specifically affecting foreign interests.

U. S. Shipping Policies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it is necesary for the national defence and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or millitary auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, in so far as may not be inconsistent with the express provisions of this Act, the United States Shipping Board, shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained.

Sale of Board's Ships to Aliens.

Sec. 5. That in order to accomplish the declared purposes of this Act, and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this Act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States except as provided in sections 4 and 6 of this Act, all of the vessels referred to in section 4 of this Act or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than fifteen years after the making of contract of sale. The board in fixing or accepting the sale price of such shall take into consideration the prevailing domestic and foreign market price, of, available supply of, and demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell. All sales made under the authority of this Act shall be subject to the limitations and restrictions of section 9 of the Shipping Act, 1916, as amended.

Sec. 6. That the board is authorized and empowered to sell to aliens, at such prices and on such terms and conditions as it may determine, not inconsistent with the provisions of section 5 (except that completion of the payment of the purchase price and interest shall not be deferred more than ten years after the making of the contract of sale), as it shall, after careful investigation, deem unnecessary to the promotion and maintenance of an efficient American merchant marine; but no such sale shall be made unless the board, after diligent, effort, has been unable to sell, in accordance with the terms and conditions of section 5, such vessels to persons citizens of the United States, and has, upon an affirmative vote of not less than five of its members, spread upon the minutes of the board, determined to make such sale; and it shall make as a part of its records a full statement of its reasons for making such sale. Deferred payments of purchase price of vessels under this section shall bear interest at the rate of not less than 5½ per centum per annum, payable semiannually.

Board's Control Over Shipping Routes.

Sec. 7. That the board is authorized and directed to investigate and determine as promptly as possible after the enactment of this Act and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States, or any Territory, District, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines, and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service. The board is authorized to sell, and if a satisfactory sale can not be made to charter such of the vessels referred to in section 4 of this act or otherwise acquired by the board as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase of charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining. The Postmaster General is authorized, notwithstanding the act entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891; to contract for the carrying of the mails over such lines at such price as may be agreed upon by the board and the Postmaster General: Provided. That preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines if the board is satisfied of the ability of such persons to maintain the service desired and proposed to be maintained, or to persons who are citizens of the United States who may then be maintaining a service from the port of the United States to or in the general direction of the world market port to which the board has determined that such service shall be established: Provided further, That where steamship lines and regular service have been established and are being maintained by ships of the board at the time of the enactment of this Act, such lines and service shall be maintained by the board until in the opinion of the board, the maintenance thereof is unbusinesslike and against the public interest. And provided further, That whenever the board shall determine, as provided in this act, that trade conditions warrant the establishment of a service or additional service under Government administration, where a service is already being given by persons, citizens of the United States, the rates and charges for such Government service shall not be less than the cost therof, including a proper interest and depreciation charge on the value of Government vessels and equipment employed therein.

Restrictions on Sale of U. S. Vessels.

Sec. 18. That section 9 of the "Shipping Act, 1916," is amended to read as follows:

"Sec. 9. That any vessel purchased, chartered, or leased from the board, by persons who are citizens of the United States, may be registered or enrolled and licensed, as a vessel of the United States and entitled to the benefits and privilges appertaining thereto. Provided. That foreign-built vessels admitted to American registry or enrollment and license under this Act, and vessels owned by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this Act, may engage in the coastwide trade of the United States while owned, leased, or chartered by the board.

"Every vessel purchased, chartered, or leased from the board, shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as

owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

"It shall be unlawful to sell, transfer, or mortgage, or, except under regulations prescribed by the board, to charter any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, or to put the same under a foreign registry or flag, without first obtaining the board's approval.

"Any vessel chartered, sold, transferred, or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment, for not more than five years, or both."

Board's Powers Over Foreign Trade.

Sec. 19.—That the board is authorized and directed in aid of the accomplishment of the purposes of this Act (a) to make all necessary rules and regulations to carry out the provisions of this Act, (b) to make rules and regulations affecting shipping in the foreign trade not in conflict with law, in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally and which arise out of or result from foreign laws, rules or regulations or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country, and (c) to request the head of any department, board, bureau or agency of the Government to suspend, modify or annul rules or regulations which have been established by such department, board, bureau or agency, or to make new rules or regulations affecting shipping in the foreign trade other than such rules or regulations relating to the Public Health Service, the Consular Service, and the Steamboat Inspection Service.

Sec. 20. (1) That section 14 of the Shipping Act, 1916, as amended, is amended to read as follows:

"Sec.14.— That no common carrier by water shall, directly *or indirectly*, in respect to the transportation by water of passengers or property between a port of a State, Territory, District or possession of the United States and any other such port or a port of a foreign country.—

"First, Pay, or allow, or enter into any combination, agreement, or understanding express or implied, to pay or allow, a deferred rebate to any shipper. The term "deferred rebate' in this Act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same of any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

"Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term 'fighting ship' in this Act means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing or reducing competition by driving another carrier out of said trade.

"Third. Retaliate against any shipper by refusing, or threatening to refuse, space accomodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

"Fourth. Make any unfair or unjustly discriminatory contract with any shipper in the matter of (a) cargo space accomodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

"Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than $25,000 for each offence."

(2) The Shipping Act, 1916, as amended, by inserting after section 14 a new section to read as follows:

Sec. 14a. The board upon its own initiative may, or upon complaint shall, after due notice to all parties in interest and hearing, determine whether any person, not a citizen of the United States and engaged in transportation by water of passengers or property—

"(1) Has violated any provision of section 14 or

"(2) Is party to any combination, agreement, or understanding, express or implied, that involves in respect to transportation of passengers or property between foreign ports, deferred rebates or any other unfair practice designated in section 14, and that excludes from admission upon equal terms with all other parties thereto, a common carrier by water, which is a citizen of the United States and which has applied for such admission

"If the board determines that any such person has violated any such provision or is a party to any such combination, agreement, or understanding, the board shall thereupon certify such fact to the Secretary of Commerce. The Secretary shall thereafter refuse such person the right of entry for any ship owned or operated by him or by any carrier directly or indirectly controlled by him, into any port of the United States, or any Territory, District, or possession thereof, until the board certifies that the violation has ceased or such combination, agreement, or understanding has been terminated."

Marine Insurance Provisions.

Sec. 10. That the board may create out of net revenue from operations and sales, and maintain and administer, a separate insurance fund, which it may use to insure in whole or in part, against all hazards commonly covered by insurance policies in such cases, any interest of the United States (1) in any vessel, either constructed or in process of construction, and (2) in any plants or materials heretofore or hereafter acquired by the board or hereby transferred to the board.

Sec. 29. (a) That whenever used in this section—

(1) The term "association" means any association, exchange, pool, combination, or other arrangement for concerted action and

(2) The term "marine insurance companies" means any persons, companies, or associations, authorized to write marine insurance or reinsurance under the laws of the United States or of a State, Territory, District, or possession thereof.

(b) Nothing contained in the "antitrust laws" as designated in section 1 of the act entitled :"An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall be construed as declaring illegal an association entered into by the marine insurance companies for the following purposes: To transact a marine insurance and reinsurance business in the United States and in foreign countries and to reinsure or otherwise apportion among its membership the risks undertaken by such association or any of the component members.

Restrictions on Coastwise Shipping.

Sec. 21. That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accomodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by capital and enterprise: Provided, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor: Provided further, That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the Government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago, and provided further. That the foregoing provisions of this section shall not take effect with reference to the Philippine Islands until the President of the United States after a full investigation of the local needs and conditions shall, by proclamation, declare that an adequate shipping service has been established as herein provided and fix a date for the going into effect of the same.

Sec. 22. That the Act entitled "An Act giving the United States Shipping Board power to suspend present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the Act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of one hundred and twenty days thereafter, except the coastwise trade with Alaska," approved October 6, 1917, is hereby repealed Provided, That all foreign-built vessels admitted to American registry, owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States at the time of the enactment of this Act, when sold and owned by persons citizens of the United States, may engage in the coastwise trade so long as they continue in such, subject to the rules and regulations of such trade: Provided, That the board is authorized to issue permits for the carrying of passengers in foreign ships, if it deems it necessary so to do, operating between the Territory of Hawaii and the Pacific coast up to February 1, 1922.

Sec. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either

directly or via a foreign port, or for any part of the transportation, in any vessel than a vessel built in and documented under the laws of the United States, and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this Act.

Provided, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes heretofore or hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities:— Provided further, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the Shipping Board shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic.

Sec. 28. That no common carrier shall charge, collect, or receive for transportation subject to the Interstate Commerce. Act of persons or property, under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or charge, which is based in whole or in part on the fact that the person or property affected thereby is to be transported to, or has been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than that charged, collected or received by it for the transportation of persons, or of a like kind of property, for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States. Whenever, the board is of the opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by vessels so documented, it shall certify this fact to the Interstate Commerce Commission, and the commission may, in order, suspend the operation of the provisions of this section with respect to the rates, fares, and charges for the transportation by rail of persons and property transported from or to be transported, to such ports, for such length of time and under such terms and conditions as it may prescribe in such order, or in any order supplemental thereto. Such suspension of operation of the provisions of this section may be terminated by order of the commission whenever the board is of the opinion that adequate shipping facilities by such vessels to such ports are afforded and shall certify to the commission.

Tax Exemptions for U. S. Shipowners.

Sec. 23. That the owner of a vessel documented under the laws of the United States and operated in foreign trade shall, for each of the ten taxable years while so operated, beginning with the first taxable year ending after the enactment of this Act, be allowed as a deduction for the purpose of ascertaining his net income subject to the war-profits and excess-profits taxes imposed by Title III of the Revenue Act of 1918 an amount equivalent to the net earnings of such vessel during such taxable year, determined in accordance with rules and regulations to be made by the board: Provided, That such owner shall not be entitled to such deduction unless during such taxable year he invested, or set aside under rules and regulations to be made by the board in a trust fund for investment, in the building, in shipyards in the United States of new vessels of a type and kind approved by the board, an amount, to be determined by the Secretary of the Treasury and certified by him to the board, equivalent to the war-profits and excess-profits taxes that would have been payable by such owner on account of the net earnings of such earnings of such vessels but for the deduction allowed under the provisions of this section: Provided further, That at least two-thirds of the cost of any vessel constructed under this paragraph shall be paid for out of the ordinary funds or capital of the person having such vessel constructed.

That during the period of ten years from the enactment of this Act any person a citizen of the United States who may sell a vessel documented under the laws of the United States and built prior to January 1, 1914, shall be exempt from all income taxes that would be payable upon any of the proceeds of such sale under Title I, Title II, and Title III of the Revenue Act of 1918 if the entire proceeds threof shall be invested in the building of new ships to be documented under the laws of the United States and to be of a type approved by the board.

U. S. Mail Privileges.

(129) Sec. 24. That all mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States. No contract hereafter made with the Postmaster General for carrying mails on vessels so built and documented shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so built and documented. No money shall be paid out if the Treasury of the United States on or in relation to any such contract for carrying mails on vessels so built and documented when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so built and documented. The board and the Postmaster General, in aid of the development of a merchant marine adequate to provide for the maintenance and expansion of the foreign or coastwise trade of the United States and of a satisfactory postal service in connection therewith, shall from time to time determine the just and reasonable rate of compensation to be paid for such service, and the Postmaster General is hereby authorized to enter into contracts within the limits of appropriations made therefor by Congress to pay for the carrying of such mails in such vessels at such rate. Nothing herein shall be affected by the act entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce, "approved March 3, 1891.

Establishment of U. S. Ship Register.

Sec. 25. That for the classification of vessels owned by the United States, and for such other purposes in connection therewith as are the proper functions of a classification bureau, all departments, boards, bureaus, and commissions of the Government are hereby directed to recognize the American Bureau of Shipping as their agency so long as the American Bureau of Shipping continues to be maintained as an organization which has no capital stock and pays no dividends: Provided, That the Secretary of Commerce and the chairman of the board shall each appoint one representative who shall represent the Government upon the executive committee of the American Bureau of Shipping, and the bureau shall agree that these representatives shall be accepted by them as active members of such committee. Such representative of the Government shall serve without any compensation, except necessary traveling expenses: Provided further, That the official list of merchant vessels published by the Government shall hereafter contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

New Definition of Passenger Vessel.

Sec. 26. That cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports or places in the United States or its Districts, Territories, or possesions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: Provided, That nothing herein shall be taken to exempt such vessels form the laws, rules, and regulations respecting life-saving equipment: Provided further, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

The privilege bestowed by this section on vessels of the United States shall be extended in so far as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of $500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts.

Denunciation of Inconsistent Treaties.

Sec. 34. That in the judgment of Congress, articles or provisions in treaties or conventions to which the United States is a party, which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose

discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States should be terminated, and the President is hereby authorized and directed within ninety days after this Act becomes law to give notice to the several governments, respectively, parties to such treaties or conventions, that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods as may be required for the giving of such notice by the provisions of such treaties or conventions.

When Corporation Deemed U. S. Citizen.

Sec. 38. That section 2 of the "Shipping Act 1916" is amended to read as follows:

"Sec. 2. That within the meaning of this Act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States, or of a State, Territory District, or possession thereof.

"But in the case of a corporation association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

"(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

"(c) 75 per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States: or (c) if, through any contract or understanding it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised directly or indirectly, in behalf of any person who is not a citizen of the United States; or d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

RECENT DECISIONS

I. GREAT BRITAIN.

ALIENS.

By art. 51 of the Constitution scheduled to the Commonwealth of Australia Constitution Act, 1900, the Commonwealth Parliament was empowered to make laws (interalia) with respect to "(xix.) Naturalization and aliens." In pursuance of those powers the Commonwealth Parliament passed the Naturalization Act, 1903, which, by s. 7, empowers the Governor-General in Council to grant a certificate of naturalization to an alien under certain conditions, provided that he shall not issue such a certificate until he has received from the applicant a certificate from one of the officers therein mentioned that the applicant has before him taken an oath or affirmation of allegiance in the form in the schedule to the Constitution. By s. 8 "A person to whom a certificate of naturalization is granted shall in the Commonwealth be entitled to all political and other rights powers and privileges and be subject to all obligations to which a natural-born British subject is entitled or subject in the Commonwealth."

A natural-born German subject left Germany in 1878 and went to Australia, where, in 1908, he took the oath of allegiance to His Majesty and was granted under the powers of the Naturalization Act, 1903, a certificate of naturalization by which he became entitled to all political and other rights, powers, and privileges to which a natural born British subject is entitled in the Commonwealth. He subsequently became a resident in London and was charged and convicted for that, being an alien, he had failed to furnish to a registration officer the particulars required by the Aliens Restrictions (Consolidated) Order, 1916, and his conviction was afterwards upheld by a Div. Ct.; In an action brought by the plt. against the Att.-Gen. for a declaration that he was no alien in England, but a liege subject of His Majesty the King, and entitled to the protection of His Majesty's Kingdom and Dominions:

Held (affirming the decision of Astbury J.), that neither the taking of the oath of allegiance alone, nor the taking of the oath coupled with the grant of the certificate in Australia, made the plt. a British subject in the United Kingdom, and that he was, therefore, an alien when in the United Kingdom, and that the declaration must be refused.

Grounds of the judgments of the Div. Ct. in Rex. v. Francis. Ex. parte Markwald (1918) 1 K. B. 617 approved. Calvin's Case (1608) 7 Rep. 1a distinguished. Markwald v. Att.-Gen. C. A. (1920) 1 Ch. 348.

G. was appointed manager of a branch in England of a German bank by a contract of 1911 between the bank and himself, for five years, and afterwards subject to a year's notice. The contract was in German, made and executed in Berlin. On war being declared with Germany on Aug. 4, 1914, the branch was closed by the British Government, but was reopened on Aug. 10 under licenses pursuant to the Aliens Restriction Act 1914, for defined purpose and under supervision. In 1918, it was ordered to be wound up under the Trading with the Enemy Amendment Act, 1916. G., who had acted as manager with the approval of the head office at Berlin, was on Jul. 29, 1918, notified by the controller that his further services were dispensed with and his salary to that date was paid:—

Held, that the contract and the rights of the parties to it were governed by German law, and according to that law the contract was not determined by the outbreak of war, but remained in full force.

Whether the contract was cognizable in an English Court, quære.

But, if it was, G., having been paid for services actually rendered to the London business, was not entitled to any further sum as a debt of that business within the meaning of the Act of 1916.

In re Hagelberg W. Aktien-Gesellschaft (1916) 2 Ch. 503 applied. In re Anglo-Austrian Bank (Vogel's Application). In re Dresdner Bank (Ellert's Application). In re Direction der Disconto Gesellschaft (Jutschow's application) (1920) 1 Ch. 69.

Property belonging to an enemy which is paid to or vested in the custodian under the Trading with the Enemy Act, 1914, is pending its disposition by O. in C. after the termination of the war, removed from the control and beneficial ownership of the enemy. During the interval the beneficial ownership is in statutory suspense or abeyance, the custodian having meanwhile limited powers of dealing with the property.

When war broke out in 1914, M., an enemy within the Act, owned real estate in England and shares and securities in British companies. By orders under s. 4 of the Act the real estate, shares and secuties were vested in the custodian. The Special Commrs. for Income Tax assessed the custodian to supertax as agent or receiver for M. The custodian disputed the legality of the assessment.

Held, that, M.'s beneficial ownership of the property having ceased on the making of the vesting orders, the profits and gains received by the custodian were received by him in respect of M., but did not in his hands belong to M.: that he did not receive or hold them as agent or receiver or trustee for M. within s. 41 of the Income Tax Act, 1842; and, therefore, that he was not liable to be assessed to super-tax.

But held, that, as M. could not, after the war, ask to receive back the property, except on the footing that a sum equal to the amount of super-tax which, but for the war, he would have been liable to pay was paid, the custodian must, under the discretion given to the Court by sub.s. 1 of s. 5 of the Act of 1914, pay that sum (the amount to be agreed) to the Commrs as analogous to a debt under sub-s 2. In re Munster (1920) 1 Ch. 268.

By a Proclamation, dated Sept. 14, 1915, it was provided: "For the purposes of the Proclamation for the time being in force relating to Trading with the Enemy, the expression 'enemy', notwithstanding anything in the said Proclamations, is hereby declared to include, and to have included, any incorporated company or body of persons (wherever incorporated) car-

rying on business in an enemy country or in any territory for the time being in hostile occupations."

In Jan., 1914, the plts. entered into a contract with the defts., who were a co. incorporated under the laws of Belgium and had their registered office at Antwerp, to sell to them manganese ore deliverable in certain quantities during the second half of 1914 and the three following years alongside steamer in Bombay. The shipments contemplated by the contract were to European or American ports, and the defts. when asked to do so, were to open an irrevocable credit in favour of the plts.' agents at a London bank.

In Sept. 1914, when the German armies were threatening Antwerp, the managing director of the deft. co. removed all the co.'s goods and the money in bank to London, and came himself to London, and there without any formal authority from the co., carried on business in his own name, but for the benefit of the co. The co.'s premises at Antwerp were converted in to a national kitchen and a Red Cross hospital. After the German occupation of Antwerp the German authorities placed the co. under compulsory administration. During the German occupation meetings of the directors and shareholders were held at which formal business was transacted. These meetings were held so as to comply with Belgian law and to keep the co. in existence. The co. also collected and paid debts due to and owing it in order to prevent the German authorities from winding up the co. and investing the uncalled capital in German war loan, and with the like object it created a debt against its uncalled capital in favour of its bankers for the purpose of paying arrears of dividend on its preference shares. The plts. contended that the co. was an "enemy" within the meaning of the Proclamations, as it "carried on business" in territory in hostile occupation, and they claimed a declaration that the contract was dissolved and was no longer binding on them. The co. counterclaimed for a declaration that the contract was valid and subsisting and that deliveries under it were suspended during the war:

Held, by Bankes L. J. and Duke P. (Scrutton L. J. dissenting) that the plts. were entitled to the declaration claimed. Though acts which were necessary merely for the purpose of keeping the co. in existence might not amount to "carrying on business" within the meaning of the Proclamation, the collection of debts and discharge of liabilities with the intention of continuing the business amounted to "carrying on business", and constituted the co. an "enemy" within the Proclamation. Central India Mining Co. v. Societe Coloniale Anversoise. C. A. (1920) 1K. B. 753.

CONTRACT.

The plts. were a co. incorporated in America. They carried on business in New York as merchants and exporters of condensed milk. They entered into a contract with the defts., who carried on business in this country, for the sale and delivery to them of condensed and evaporated milk. The defts. refused to accept a quantity of condensed milk from the plts. under the contract. In an action for damages for breach of contract to accept and pay for the condensed milk, a question arose with regard to the basis on which the damages should be assessed having regard to the fact that the rate of exchange between this country and America varied. The plts. contended that the damages should be assessed at such a sum in sterling as would represent the damages in dollars at the date of the delivery of judgment. On the other hand, the defts. contended that the damages should be assesed as at the date of the breach:

Held, that the date of the judgment was the time for calculating the exchange. Kirsch (J. A.) & Co. v. Allen, Harding & Co. 122 L. T. 159; Appeal allowed C A. (1920) W. N. 73.

DOMICIL.

W. M., whose domicil of origin was Irish, and who was an officer in the British Army in the year 1859, was sent with his regiment to Grahamstown, Cape Colony, South Africa. In 1861, while at Grahamstown, he was discharged from the army. In 1864 a son was born to him, the mother of whom he married in 1867, and, if he were domiciled in Cape Colony, he would thereby have legitimated his said son . In 1879, his first wife having died, he married secondly, and in 1887 made a joint will with his second wife in form in use in Cape Colony. He continued to reside from 1859 till his death in 1893 in South Africa. Evidence was given that W. M. had spoken of his desire to return to Ireland, and of doing so when his financial position had improved:

Held, by Powell J. on the facts, that W. M. had abandoned his Irish domicil, and was in 1864 domiciled in South Africa.

The decision of Powell J. affirmed.

Moffett v. Moffett—C. A. (Ir.) (1920) 1 I. R. 57.

FOREIGN LAW.

An English firm in July 1918, chartered a Spanish steamship from the owners, who were a Spanish firm, to carry a cargo of jute from Calcuta to Barcelona at a freight of £50 per ton one-half to be paid to the owners in London on the vessel sailing from Calcutta and the balance to be paid at Barcelona by the receivers of the cargo, as to one-half on arrival of the freight payable at Barcelona was to be paid in cash or approved bills at charterers' option at the current rate of exchange for bankers' short bills on London. The charterparty, which was made in London and was in English, and on the charterers' own form, contained a cesser clause but the charterers' liability to pay freight was preserved. There was an exceptions clause which excepted "the act of God, perils of the sea, fire, barratry and restraints of princes, rulers and people, or accidents of navigation." The clause also enumerated a number of other exceptions which related solely to the shipowners' obligations. There was no separate exceptions clause dealing with the obligations of the charterers. The charterparty also contained an arbitrat in clause under which disputes were to be decided by commercial men in London. The steamship sailed from Calcutta and half the freight was duly paid. She arrived at Barcelona on Dec. 28, 1918, and a sum of money was paid in sterling by the receivers of the cargo. By a decree of the Spanish Commission of Supplies, dated July 2, 1918, confirmed by a Royal Proclamation of Sept. 14, 1918, the freight on jute to Spain was not to exceed 875 pesetas per ton. Owing to alterations in the rate of exchange the freight reserved by the charterparty was, at the date of the arrival of the steamship at Barcelona, largely in excess of 875 pesetas per ton. The receivers of the cargo at Barcelona refused to pay the balance of the freight reserved by the charter party. The Spanish owners thereupon claimed to recover the balance of the freight from the charterers in England, notwithstanding that it exceeded the freight limited by Spanish law:

Held, (1) That the charterparty was an English contract to be construed according to English law, but that as regards that part of the contract which had to be performed in Spain the Courts would have regard to Spanish law, although the Courts in considering whether or not there had been a breach of the contract would regard the matter from the standpoint of English law and would not admit an excuse which might be valid by Spanish law, unless it was also valid by English law; (2) that inasmuch as the Spanish law imposed an equal disablitity upon both contracting parties, the owners not being entitled to receive, nor charterers to pay, freight in excess of 875 pesetas per ton, neither party could sue the other for breach of the charterparty in that respect, notwithstanding that the contract was English; (3) that the exception of "restraints of princes" was a mutual exception and enured for the benefit of the charterers as well as of the shipowners; that the Spanish proclamation constitutd a restraint of princes, and that therfore the charterers could rely upon the exception as an answer to the shipowners' claim for freight beyond the limit fixed by the Spanish Proclamation: (4) that in estimating the amount due to be paid, the sums paid in sterling must be converted into pesetas at the rate of exchange current on the day of payment or the day on which payment ought to have been made.

Fore V. Cotesworth (1870) L. R. 5 Q. B. 544 and Cunningham V. Dunn (1870) 3 C. P. D. 443 followed.

Jacobs v. Credit Lyonnais (1884 12 Q. B. D. 589 considered. Ralli Brothers v. Compania Naviera Sota Y Aznar (1920) 1 K. B. 614.

MARRIAGE.

According to the Chinese law of marriage, which is applied in Penang in the case of Chinese residents, a Chinaman may have secondary wives (sometimes called "t'sips") who have the status of wives and whose children are ligitimate although some sort of ceremony is not essential to establish the relationship.

The deceased respondent for twenty-six years lived and was maintained in the house of a Chinese merchant in Penang, and bore him children. One child who survived the father was referrred to in his will as "my daughter," and her name appeared upon his tombstone. The respondent had been recognized by the Chinaman and by his primary wives as occupying in his household the position of a secondary wife:

Held, that the deceased respondent was a secondary wife, whether or not the performance of a ceremony was proved, and that under the practice in Penang (which was not questioned

in the appeal) she was entitled upon the death of the Chinaman partially intestate to share as a widow. Sheang Thye Phin v. Tan Ah Loy J. C. (1920) A. C. 369.

SALES.

The respondents sold to the claimant sodium sulphide in drums. The drums were delivered to the claimant in Manchester, but the respondents knew that they were intended for export. Owing to the difficulty of opening and reclosing the drums it is impracticable to open them until the contents are actually required for use. The drums were resold by the claimant, and owing to the congestion on the French rlys. and other causes they did not reach the ultimate consignees at Lyons and Genoa respectively till some months later. On the drums being opened by those consignees the contents were found to be not sodium sulphide but caustic soda of inferior quality. The drums were thereupon rejected. On a claim for damages by the claimant against the respondents:

Held, that the damages were to be assessed according to the prices ruling, not at the date of the delivery in Manchester, but at the date when the drums were opened by the ultimate consignees at Lyons and Genoa. Van Den Hurk v. R. Marten & Co., (1920) 1 K. B. 850.

By eight contracts in similar form, made in June and July, 1914, a firm of merchants in New New York sold to a Co. which carried on business at Antwerp a quantity of wheat to be shipped during Aug. and not later than the middle of Sept. 1914, from an Atlantic and or Canadian port at sellers' option, under one contract to Rotterdam and under the rest to Antwerp, at a price free on board including freight and insurance, to be paid net cash on presentation of bills of lading or delivery order. The contracts provided that the sellers were to furnish marine policies of insurance for two per cent. over invoice amount; and they contained the following clauses: "In the event of war, should sellers not have received from buyers approved English and or American policies.... for approximate invoice amount, covering war risk three days prior to shipment, sellers shall have the right, if they think fit, and are able, to cover war risk for account and risk of buyers." "In case of prohibition of export, force majeure, blockade or hostilities preventing shipment, this contract or any unfulfilled part thereof shall be at an end."

At the beginning of Aug. the sellers cabled to the buyers that they could not effect insurance against war risk and that they were therefore unable to sell the drafts, and asking the buyers to arrange payment in New York. The buyers refused, and the sellers on Aug. 6, cancelled the contracts. The buyers claimed damages for breach of contract. The dispute was referred to arbitration in London under a clause in the contracts. The wheat was in fact shipped, but for other buyers and for other ports. The sellers claimed that they were entitled to treat the contracts as cancelled, as they were unable to sell in America exchange on Rotterdam or Antwerp. The arbitrators found that the business of exporting grain from America to Europe was based upon the sale of exchange in America, and it had long been a well-recognized usage or custom for shippers of grain from America to sell or negotiate the exchange to or with an exchange buyer in America, and the sale of wheat could not be carried out, unless such exchange were possible, and it was an implied term and for condition of the contracts that the sellers should at all material times be able to sell or negotiate the exchange; that the buyers were aware of this usage or custom at the time when the contracts were made; that from Aug. 1 to 6 inclusive when the sellers claimed to cancel the contracts they were unable to sell exchange on Antwerp or Rotterdam, and this inability continued throughout the whole period for shipment provided by the contracts: that from Aug. 1 to 6 inclusive no war insurance could have been affected by the sellers on the shipments: that the commercial purposes of the adventure, so far as the sellers were concerned became frustrated by the impossibility in the circumstances prevailing of their being able to sell or negotiate exchange in America; that this impossibility and the circumstances prevailing were caused by hostilities; and that shipment was prevented by hostilities with in the meaning of the prohibition clause in the contracts: They accordingly made an award in favour of the sellers:—

Held, first, that the shipment was not "prevented" by hostilities within the meaning of the prohibition clause in the contracts, "prevention" there meaning a physical or legal prevention.

Held, secondly, that the question whether a term should be implied in the contracts providing for their dissolution on the ground of the frustration of the commercial adventure was a question of law for the Court; and that, as the buyers were not concerned with the general method by which the sellers financed their exports of wheat to Europe, and considering that the contracts contained a provision as to insurance of war risks in the event of war, a term or condition could not be implied in the contracts that if the sellers were unable to sell the exchange the contracts should be determined. In re Comptoir Commercial Anversois and Power, Son & Co. C. A. (1920) 1 K. B. 868.

Under a c. i.f. contract for the sale of goods, the seller, in the absence of any custom or special stipulation to the contrary, does not perform his obligation of tendering to the buyer along with the other shipping documents a policy of insurance by tendering instead of a proper policy a brokers cover note or a certificate of insurance.

Where the parties to a c. i. f. contract, for the sale of goods which have been duly shipped, enter into a stipulation that the seller, instead of tendering with the other shipping documents a policy of insurance, with a broker's undertaking to hold the policy for the buyer's account, the seller does not perform his obligation under the stipulation by tendering a certificate of insurance without broker's undertaking.

Observations on a broker's cover note and a certificate of insurance. Wilson, Holgate & Co. v. Belgian Grain and Produce Co. (1920) 2 K. B. 1, 89 L. J. (K. B.) 300;

SERVICE.

The Court or a judge has no jurisdiction to order service of any summons other than a writ of summons on a party or person in Scotland.

The words "foreign country" in r. 8A of O. xi. of the R. S. C., 1883, have precisely the same meaning as in r. 8, and neither rule applies to Scotland, or to any other part of the British Dominions. In re Campbell. (1920) 1 Ch. 35.

Leave will not be granted under O. xi. r. 1 (e) to a purchaser of goods under a c. i. f. contract from a foreign vendor to serve notice of a writ of summons on the vendor outside the jurisdiction in an action for breach of contract, where the essential breach on which the action is founded is the failure to ship the goods at the foreign port, upon the allegation of the purchaser that the breach is the failure to tender shipping documents within the jurisdiction

Decision of the C. A. reversed. Johnson v. Taylor Bros. & Co. H. L. (E.) (1920) A. C. 144.

TAXATION.

A ry. co., which was incorporated and carried on business in the United States in 1905, issued first mortage 5 per cent. gold bonds to the plt. co. to the amount of £500,000, and undertook by a deed of trust to pay the principal money and interest in London. The deft. co., who were parties to the deed of trust, guaranteed the payment of those sums, if the ry. co. made default. A clause in the deed of trust provided that it should be construed and the rights of all parties claiming thereunder should be regulated, by the law of England, the ry. co. agreeing to be sued in England. Both the plts. and defts. were English corporations. Subsequently an income tax of 2 per cent. was imposed by the United States Government upon (inter alia) income derived by foreign corporations resident in the United States. The ry. co. in making a half-yearly payment of interest on its bonds claimed to deduct the United States income tax:—

Held, that ther was no English statute which allowed payment of income tax to a foreign country to be considered as a discharge of an English contract, and that at common law a contract made in this country was not governed by the law of another country, and further that there could not be impliedly read in to the contract a stipulation that the plts. agreed that the provisions of the United States Income Tax Acts should be enforceable against them in England, and that therefore the American ry. co. and the deft. co. were not entitled to deduct United States income tax from the sums they agreed to pay to the plts. as interest on the Bonds. Indian and General Investment Trust, Ld. v. Borax Consolidated, Ld. (1920) 1 K. B. 539.

TRUSTEE.

Where the private property of a belligerent Sovereign, in this case F. ex-Tsar of Bulgaria, has become forefeited on the outbreak of war, and after commission directed an inquisition has found that the rights of such Sovereign in bonds and stocks

enumerated in a schedule to such commission standing in his name have become forefited to His Majesty, the Court, on petition by the Att.-Gen., being satisfied that the ex-Tsar is a trustee out of the jurisdiction. and unwilling to transfer the bonds and stocks, will under the Trustee Act, 1893, appoint a new trustee, in this case the Treasury Solicitor, with the right under the vesting order to call for a transfer of, to transfer and deal with, and receive interest on such stocks and bonds. Re Ferdinand, ex-Tsar of Bulgaria. 122 L. T. 115.

II. UNITED STATES OF AMERICA.*

ALIENS.

In habeas corpus proceedings by a Chinese, who had been previously admitted as a son of a native-born citizen, but was excluded upon his return, after a three year visit in China, because of discrepancies in his testimony and that of his alleged father, regarding conditions in China, but not relating to the question of relationship, which was the only issue in dispute, held, that such discrepancies were insufficient to sustain the Department's order of exclusion.—Ex parte Lum You, 262 F. 451.

Where an alien in his declaration of intention, and later in his petition for naturalization, erroneously stated the sovereigty to which he owed allegiance, which allegiance, as required by statute, he "particularly" renounced, the court is without power on hearing of his petition, by an order nunc pro tunc, to allow amendment of the declaration and petition, to date back to the time of their filing. U. S. v. Vogel, 262. 71 ½ (New, vol. 7 Key-No. Series).

That a naturalization certificate was obtained fraudently and not in good faith may be established by subsequent acts and statements of the naturalization citizen, showing his disloyalty and continued adherence to his former sovereign U. S. v. Kramer, 262 F. 395.

A proceeding to deport an alien, on the ground that he was found advocating or teaching the unlawful destruction of property, is unfair and invalid, in view of the search and seizure and due process clauses of the Constitution, when based upon pamphlets obtained by forcibly raiding orderly meetings of the union to which he belonged, without warrant or process. Ex parte Jackson, 263 F. 110.

Where the evidence on which a deportation proceeding was based was obtained by unlawful raids, without warrant or process, of the hall and orderly meetings of a union, and the government freely disclosed the manner of obtaining the evidence in both the deportation preceeding and a proceeding for habeas corpus, the situation was not one wherein the mode of procuring the evidence could not be collaterally raised and determined at the trial.

The refusal to produce one of the government's material witnesses for cross-examination in a deportation proceeding, unless the alien would disclose what he expected to prove and deposit the costs, denied due process of law, and rendered the procedings unfair, though the government had another witness to the same matter.

An alien coming to the United States in 1882, but thereafter living for 17 years in Mexico, where he registered at the British consulate as a British subject, and returning to the United States in 1913, must file a certificate of arrival with his petition for naturalization, as required by Act June 29, 1906. 4, subd. 2. par. 4 (Comp. St. 4352), in the case of aliens arriving in the United States after the passage of that act.

The filing of a certificate of arrival by one applying for naturalization under Act June 29, 1906, 4 (Comp. St. 4352,) is compulsory and jurisdictional.

Act June 29, 1906. (4 Comp. St. 4352), requiring the filing of a certificate of arrival by applicants for naturalization arriving in the country subsequent to its passage is not concerned with arrivals which are merely incidental to passage through the country. but only with those arrivals made the basis of a claim to citizenship. In re-Elliott 253 F. 143.

Where a libel for damage to cargo against two carriers, one of which was German, is dismissed as to such respondent because of its absence caused by the war, the dismissal should be without prejudice to any rights of libelant or its co-respondent.—Kuhnhold v. Netherlands—American Steam Nav. Co., 264 F. 320.

Under Act Nov. 3, 1893 (Comp. St. 4324), requiring a Chinaman, applying for admission on the ground that he was formerly engaged in the United States as a merchant, to establish the fact that he was such for at least one year before his departure, one who had been a merchant for at least one year before his departure for China with the intention of returning could not be excluded on his return by the immigration officials, on the ground that his original entry was fraudulent, but could be deported only by a judicial proceeding.—White v. Chin Fong, 40 S. Ct. 449.

While the decision by the Secretary of Labor on the exclusion of a Chinese person is final unless the preceedings were manifestly unfair or show manifest abuse of discretion, the decision must be made after a hearing in good faith, however summary, and must find adequate support in the evidence.

Where three white citizens had testified that petitioner was a native Chinese upon investigation to determine his status before he visited China, but identified him onlv from his photograph, and on his return he was excluded as not being the person he claimed to have been in the preliminary investigation, the omission from the record sent to the commissioner of immigraton and, on appeal, to Secretary of Labor, of statement that on the later investigation the three white witnesses were confronted with petitioner, and there was mutual recognition, rendered the report unfair so that the Secretary's order for exclusion was not final.

The great power given Secretary of Labor by the Acts of Congress over Chinese immigrants and perosns of Chinese descent must be administered, not arbitrarily and secretly, but fairly and openly, under the restraints of the tradition and principles of free government aplicable where the fundamental rights of men are involved. Kwock Jan Fat v. White, 40 S. Ct. 566.

The Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution are not limited in their application to citizens but apply to all persons within the United States, including aliens, so that aliens cannot be deprived of their liberty without due process of law and are exempt from unwarranted searches and seizures.

There is no constitutional limit to the power of Congress to exclude or expel aliens.

Congress has intrusted the administration of the immigration laws to the Department of Labor, and the Department of Justice has no legal right or power to deal with the exclusion or expulsion of aliens.

Statutory restrictions on immigration, like all other statutes, are, if possible, to be construed in accordance with the spirit as well as within the letter of the Constitution.

Act Oct. 16, 1918, 1 (Comp St. Ann. Supp. 1919, 42891/4 b (1), authorizing deportation of aliens who are members of organizations advocating the forcible overthrow of the government "overthrow" means more than radical change in the form and function of the government.

The courts have no jurisdiction on habeas corpus proceedings to interfere with proceedings in the Department of Labor for the exclusion or expulsion of aliens, unless and until there is some error of law in that department, or the proceedings are unfair the department's decision on the facts is conclusive.

If the proceedings in the Department of Labor for the exclusion or expulsion of aliens are unfair or otherwise lacking in the essential elements of due process of law, or if the Secretary proceeded on an erroneous view of the law, the courts must review such proceedings.

The records on which the decisions of the Secretary of Labor, in proceedings for the deportation of aliens, are based, must under Immigration Rules 17 and 22, requiring affidavit for warrant and right to counsel and production of evidence, be fairly made by real trials before immigration inspectors though the trials may be summary, or the alien is deprived of his real rights on appeal given him by Act Feb. 5, 1917, 17 (Comp. St. 1918, Comp. St. Ann. Supp. 1919 4289 1/4 ii).

An unfair or misleading record in proceedings for the deportation of an alien is as much a fraud upon the law and upon the Secretary of Labor as upon the alien, since the general policy of the United States has been to admit all immigrants except those specifically described as undesirable.

The amendment of Immigration Rule 22, subd. 5, par. (b) which originally entitled an alien to counsel when arrested, so as to entitle him to counsel only when the hearing has proceeded sufficiently to protect the government's interests, and which was made in contemplation of a large number of hearings of deportation proceedings, tended to make those proceedings unfair by depriving the aliens of counsel until after they had admitted membership in a proscribed organization.

Though Congress has delegated to the Department of Labor the power and duty of investigating and deporting aliens of the proscribed classes, the fact that the department, in issuing warrants, acted on the information secured by agents of

the Department of Justice, instead of on its independent investigation, does not render the proceeding void, though the method of investigation may have been such as to cast suspicion on the fairness of the proceedings.

In proceedings for the deportation of aliens, the question whether there is any evidence to support a finding necessary to the deportation of the alien is a question of law, which can be reviewed by the courts in habeas corpus proceedings.

The hearing of certain aliens who admitted membership in the Communist party and knowledge of its principles and aims held to have been sufficiently fair to warrant their deportation if that party was one proscribed by Act Oct. 16, 1918 1 Comp St. Ann. Supp. 1919, 4289 1/4 b (1), even though there may have been some errors in the procedure.

Where, under the peculiar circumstances of this case, aliens, held under warrant for deportation are entitled to their discharge because the hearings were unfair and denied due process of law, such discharge is without prejudice to new proceedings for deportation for any cause, existent or not.

The discretion of the Secretary of Labor, under immigration law, 20 (Comp. St. Ann. Sup. 1919 1/4k), to release aliens on bail not less than $500, ending hearing and final decision, is one with which the courts ordinarily cannot interfere, either as to the granting or refusing of bail or as to the amount, but such interference is warranted where there is an abuse of the power given.

Aliens arrested for deportation cannot be held in custody for an unreasonable length of time without a hearing, and the fact that a large number of arrests were made by the department at the same time, so that speedy hearings were impossible, does not justify the delay. Coyler v. Skeffington, 265 F. 17.

Iowa.

Where property has been devised to alien enemy, no action can be maintained by the alien to recover it or the increment of the property while a state of war exists, and he acquires no dominion over it whether for use or service.

A devise to an alien enemy is not void under the Trading with the Enemy Act, but the property devised will be held by the executor until termination of war, since such a devise does not give "aid or comfort to the enemy" nor increase his "resources," and since the making of the will is not an act of "trading" within such act.

War operates as an interdiction on all commercial or other specific intercourse and communication with the public enemy, so that with out a license all commercial transactions, all trading between citizens or states or nations at war, is unlawful, and all contracts growing out of such trading or out of voluntary intercourse with a public enemy are void. In re Kielsmark's Will, 177 N. W. 690.

Missouri

In action to declare a constructive trust, it was a good defence that plaintiff and her husband were aliens and therefore prohibited from owning real estate under Rev. St. 1909 750.

Under Rev. St. 1909, 750, making it unlawful for an alien to own real estate, where an alien had received a deed conveying an absolute title, the state alone could attack the conveyance, declare a forfeiture, and take the property. Ales v. Epstein, 222 S. W. 1012

New York

The five years' residence necessary for naturalization cannot be computed from sea service on foreign vessels, if applicant's wife and children reside in the United States, since master of vessels sailing under foreign flag i to some extent acting under laws of and subject to officials of the foreign country. Petition of MacKinnon, 183 N. Y. S. 108.

A native of Warsaw, who in his declaration of intenti on pursuant to Act Cong. June 29, 1906, 4 (Comp. St. 4352), renounced generally all allegiance to all foreign potentates, and particularly to William II, emperor of Germany, and who was qualified for citizenship, would not be denied it because not particularly renouncing allegiance to the Tsar of Russia, who had exercised no authority in Poland for many months prior to such declaration of intention; that city having been occupied as a conquered city by German forces and confirmed to Germany by the treaty of Brest-Litovsk of March 3, 1918. In re Guldenstern, 183 N. Y. S. 524.

Where an action is pending at the outbreak of belligerency, the proper procedure for raising the point as to plaintiffs' incapacity to sue, because they are alien enemies, is by a motion to stay or arrest the action penedente bello, as they had capacity when they sued, at which time their capacity would be judged.

A demurrer for misjoinder is a proper procedure, where some parties are alien enemies and some are not, and the ownership of the chose is joint, as in a partnership, in which case the alien enemies are necessary parties, and some may not sue when other joint owners are debarred.

Under Trading with the Eenemy Act 1917 2 (U. S. Comp. St. 1918, 3115 ½aa), defining "alien enemy" to include any individual partnership, or other body of individuals of any nationality, resident within the territory, including that occupied by the military and naval forces of any nation with which the United States is at war, residents of Prague, Bohemia, in the newly erected territory of Czecho-Slovakia, recognized by the United States, formerly a part of the Austro-Hungarian Empire, are not to be placed in the category of alien enemies.—Waldes v. Basch, 179 N. Y. S. 713.

Certificates from the Department of Justice that an alien enemy is entitled to exception from such classification, made by virtue of a general executive order, is not sufficient to entitle an alien enemy to naturalization under Act Cong. June 29, 1906, 4, subd. 11, as amended by Act May 9, 1918 (U. S. Comp. St. 198, U. S. Comp. St. Ann. Supp. 1919, 4352.

To entitle alien enemies to naturalization under Act Cong. June 29, 1906, 4, subd. 11, as amended by Act May 9, 1918 (U. S. Comp. St. 1918, U. S. Comp. St. 1919, 4352) the certificate of the President excepting applicant from the classification of alien enemy must be obtained before the application is made. In re Schuster, 182, N. Y. S. 357.

CONTRACTS.

Florida.

The validity of personal obligations executed and to be performed in one state will be governed by the laws of that state when sought to be enforced in the courts of another state.

The interpretation of personal obligations executed and to be performed in one state will be governed by the laws of that state when sought to be enforced in the courts of another state. Connor v. Elliott, 85 So. 164.

Kentucky

The general rule governing the validity of contracts is to apply the law of the place of performance, which, in the absence of contrary showing, is presumed to be the place where the contract is made.

When a contract is made by one having a regular domicile, it will be presumed that the law of the place of his domicile shall govern the validity of the contract, as well as its construction, though he may have been temporarily absent from his domicile when the contract was executed. New Domain Oil & Gas Co. v. McKinney, 221 S. W. 245.

New York

A contract, though valid where it is made and is to be enforced, will not be treated as valid by the courts of another jurisdiction,, whose laws expressly declare such a contract to be void or make it a crime to engage in such a transaction, since the courts of no state will uphold contracts which are deemed to be injurious or offensive to the morale of its people, or in contravention of public law. Nielsen V. Donelly, 181 N. Y. S. 509.

A provision of a marriage settlement, made between citizens of the Swiss Republic pursuant to the law of their canton, that one-third of the community estate of the spouse's should go to the surviving children on the death of either, is supported by consideration, and can be enforced by the children —In re Schmoll's Estate, 181 N. Y. S. 542.

Oklahoma

Comity does not require the courts of Oklahoma to enforce a foreign contract which is repugnant to its public policy. Union Sav. Ass'n. v. Cummins, 190 P. 869.

CORPORATIONS.

The New York Income Tax Law, so far as it requires a Connecticut corporation employing nonresidents within the state to withold the tax on their salary, is not as unreasonable regulation of the conduct of its business in New York, in the absence of any contract limiting the State's power of regulation, though it might be more convenient to it to pay such salaries in Connecticut.—Travis v. Yale & Towne Mfg. Co., 40 S. Ct. 228.

The laws of the state in which a corporation is organized, which becomes a part of its charter, follow the corporation when it engages in business in another state; but those laws which regulate corporations in their manner of doing business in the state do not follow it into another state. Washington-Alaska Bank v. Dexter Horton Nat. Bank of Seattle, Wash., 263 F. 304.

A contract to equip a building in Michigan with an auto-

matic fire sprinkler system, made by a foreign corporation which had not complied with the laws of Michigan to authorize it to do business or make contracts entirely through subcontractors, who manufactured and installed the system, furnishing both the materials and labor, held a Michigan contract, and not an interstate transaction, which was void under the statute (Comp. Laws Mich. 1915, 9063 et seq.), and would not support a mechanic's lien in favor of the contractor, regardless of whether its contracts with the subcontractors were local or interstate transactions.—Phillips Co. v. Everett, 262 F. 341.

Bringing suit by a foreign corporation as trustee to foreclose a mortgage on real estate situated in the state of suit does not constitute "doing business" in that state.—Lane v. Equitable Trust Co. of New York, 262 F. 918.

Claim of the state of New York for license tax imposed on a foreign corporation doing business in the state under Tax Law, 181, as amended by Laws N. Y. 1917, c. 490, held entitled to priority of payment over general creditors from assets of the corporation in the hands of receivers of a federal court in New York, although the state had not, by levy, acquired a lien on the property prior to the receivership.—Sweet v. All Package Grocery Stores Co., 262 F. 727.

The home of a corporation is in the state of its creation and generally, when it engages in business in another state, those entering into contracts with knowldge of the limitations imposed by its charter do so subject thereto. City of Jamestown v. Pennsylvania Gas Co., 264 F. 1009.

Indiana

A private individual cannot maintain an action to enjoin acts within the state by a foreign corporation on the ground that it has not complied with the statuary conditions precedent to the right to do business within the state.—De Peugh v. Board of Comr's of Delaware County, 126 N. E. 484.

Contract by foreign construction company for installation of sprinkler system in manufacturing plant, involving employment of labor for weeks, building of tower, tank and other carpenter work, excavation and filling of trenches, and use of material on ground and property of manufacturing company, held not interstate comerce, but transaction of local business in state in violation of Burns' Ann. St. 1914, 4085 et seq.—

Burns' Ann. St. 1914, 4085 et seq., requiring compliance by any foreign corporation for profit before it is permitted to transact business or exercise corporate powers in the state, making failure to comply therewith a misdemeanor, contract in violation thereof is void.

A contract by foreign corporation for transaction of local business in state without having complied with Burns' Ann. St. 1914, 4085 et seq., is not entitled to protection of courts of state. U. S. Const. Co. v. Hamilton Nat. Bank of Ft. Wayne, 126 N. E. 866.

Iowa.

Where defendant's motion for change of venue was made after plaintiff had introduced testimony affirmatively showing that corporation defendant maintained no agency in the county, the failure to deny the existence of such agency does not confer jurisdiction to continue the trial.

A petition for damage caused by a resident veterinarian using hog serum furnished by a nonresident corporation, does not show that there was no liability against him apart from that of the corporation, so that corporation's failure to object to petition as not stating a cause of action against agent did not waive right of corporation to change of venue. Bruce v. State Serum & Supply Co. 177 N. W. 457.

Kansas

A sale of the shares of stock of a foreign corporation in the state of Kansas is not a "doing of business," and may be done if, on inquiry by the state charter board, the corporation is found to measure up to the conditions and qualifications, prescribed by Laws, 1919, c. 153, as to the right to sell securities in the state.

The "doing of business" is the exercise of some of the functions and the carrying on of the ordinary business for which a corporation is organized, and single and isolated transactions do not ordinarily constitute it.

A foreign corporation which as to its right to do business in Kansas, is subject to the corporation law so far as applicable, on submitting its agreement or declaration of trust and plan of operation to the charter board with request that it be permitted to sell its stock within the state, was entitled to have its application considered by the board, and where it declined to do so mandamus to compel such action will be granted. Home Lumber Co. v. Hopkins. 190 P. 601.

Kentucky

A contract between a Kentucky drainage and a foreign corporation is not void because of the failure of the corporation to designate in accordance with Ky. St. 571, an agent on whom summons might be served for such failure merely renders the contract void at the option of the other party, who may enforce it, though depriving the delinquent corporation of the right to enforce the same; hence those whose lands were embraced in the district cannot attack the contract on ground of the corporation's failure to designate an agent. Yewell v. Board of Drainage Com'rs of Daviess County, 219 S. W. 1049.

Michigan

Although a foreign corporation which has not complied with Comp. Laws 1915, 9063, 9067, and 9068, is not entitled to contract, yet it may maintain a personal action against a Michigan corporation to replevin its own personal property, such action not being repugnant to section 12370, prohibiting non-complying foreign corporations from maintaining any action founded upon its forbidden acts, and may have judgment where evidence of plaintiff's ownership and right to possession is sufficient, since defendant cannot claim under void contract.

In an action by a Maine corporation against a Michigan corporation, it was not error to charge that plaintiff was a foreign corporation carrying on a business within the state without authority, and as such subject to penalty for its neglect to comply with Comp. Laws 1915, 9063, 9067, and 9068, where such noncompliance was shown.—Rex Beach Pictures Co., v. Harry I. Garson Productions, 177 N. W. 254.

Minnesota

To obtain jurisdiction of a foreign corporation by service upon an agent within Minnesota, the authority of the agent and the business in which he is engaged must be of such a character that it may be said that in his person the corporation is present in Minnesota in view of Gen. St. 1913, 7735.

An agent authorized to take orders, make collections and adjustments, and dispose of property of a foreign corporation within Minnesota is an agent on whom service in Minnesota will give jurisdiction over the foreign corporation, in view of Gen. St. 1913, 7735. Nienhauser v. Robertson Paper Co., 178, N. W. 504.

The burden of proof is upon one asserting it to prove that a foreign corporation has not complied with Laws 1899, c. 69 (Gen. St. 1913, 6206), making the appointment of a resident agent authorized to accept a process a prerequisite to the acquiring of property in the state, and that act did not affect the title of land owned by foreign corporation when it was passed. Northern Counties Land Co. v. Excelsior Land, Mining & Development Co., 178 N. W. 497.

Missouri

The general rule is that an intention to exclude foreign corporations from a state is not to be deduced from the fact that the law of the state have made no provision for domestic corporations of like character.

It is the disposition of the state to be liberal in its comity toward foreign companies applying for license to do business within the state, so that Rev. St. 1909, 3343. forbidding license to corporations could not be more rigorously enforced than is compelled by its language.

The provisos of Rev. St. 1909, 3039, 3343, and others forbidding licensing of foreign corporations for certain facts therein stated, exclude refusal of license for other reasons.

Whether the organization of a foreign corporation differing from a domestic corporation contravenes public policy depends on whether it gives the foreign corporations some advantage over domestic corporations or introduces some other evil.

The sources of the policy of the state as to foreign corporations are the statutes, the court decisions, and the purpose to preserve good morals by keping out everything tending to fraud.

The fact that the common stock of a foreign corporation is issued without a stated value, as permitted by the laws of the state of its incorporation, is not contrary to the public policy of the state as manifested by its statutes, court decisions, or executive acts or contrary to good morals, so that the licensing of such corpoartion cannot be refused under Rev. St. 1909, 3343.

The fact that a foreign corporation has issued common stock having no stated par value as permitted by the laws of the state of its incorporation which have made the stockholders liable for the unpaid portion of the consideration for the issuance, of the stock, does not injuriously affect the rights of creditors to hold the stockholders for the unpaid balance due for the stock, and does not warrant refusal of license to corporation under Rev. St. 1909, 3343.

Proviso to Rev. St. 1090, 3343, authorizing license to a foreign corporation only if the proportion of its stock em-

ployed in the state does not exceed the capital stock domestic corporations are permitted to have does not warrant the refusal of license to a foreign corporation because its common shares were issued without stated par value. State ex rel. Standard Tank Car Co. v. Sullivan, 221 S. W. 728.

New Hampshire

A foreign corporation, appearing generally in a suit, submits itself to the court's jurisdiction.—Davis v. Central New Hampshire Power Co., of Maine, 109 A. 263.

Under Laws 1913, c. 187, 1, 3, a corporation, doing business in the state without appointing the secretary of state its agent for service of process, cannot maintain an aciton on a note given for the purchase price of goods sold, though such failure does not make invalid its contracts. Ensign v. Christiansen, 109 A. 857.

New York

To sustain service on corporation made after it filed a certificate surrendering right to do business and revoking its designation of a person for service of process in the state under General Corporation Law, 16a, subd. 4, as amended by Laws 1918, c. 193, it must affirmatively appear that the liability sought to be enforced by the action was incurred prior to the filing of such certificate.

Where a foreign corporation made contract in the state agreeing that employe, on his discharge from military service, could continue his services under a prior employment contract entered into out of the state employe's action for suspension after he had resumed employment on discharge from army was an action, not for breach of the subsequent agreement, but for breach of the original employment contract made out of state, rendering ineffectual service on the corporation after it had filed certificate surrendering authority to do business in the state, and revoking agency for service of process, pursuant to General Corporation Law, 16a, subd. 4, as amended by Laws 1918, c. 193, plaintiff must allege in order to render service effectual under such statute that the contract was made in the state. Hexter v. Day Elder Motors Corporation. 182 N. Y. S. 717.

A New York creditor of a Mexican banking corporation *has no* adequate remedy at law against the banking corporation, a Canadian bank, which holds funds for it on deposit in New York, and a member of a Mexican monetary commission in control of the Mexican bank which under the Mexican monetary commission has had its assets dissipated and is in danger of further dissipation, so that the New York creditor is entitled to sue in equity for receiver of the New York assets of the Mexican bank and for injunction. Mitchell v. Banco De Londres Y Mexico, 183 N. Y. S. 446.

North Dakota

Where a corporation, with its principal office in a sister state near the state line, solicited business generally in tributary territory within North Dakota, any business transaction so consummated is not an "isolated transaction," within the rule that single or isolated transactions do not violate Comp. Laws 1913, 5238, prohibiting doing business in North Dakota without first filing copy of their charter. Dahl Implement & Lumber Co. v. Campbell, 178 N. W. 197.

Oklahoma

By reason of Const. art. 9, 44, foreign corporations may not exercise in Oklahoma any greater or different rights, powers or privileges than are conferred on similar domestic corporations.

Comity does not require that foreign association be granted any greater privileges in making contracts within Oklahoma than are accorded to similar domestic associations. Union Sav. Assn. v. Cummins, 190 P. 869.

Oregon

Act authorizing service of summons on foreign corporation through corporation commissioner for state did not have retroactive effect, authorizing service on corporation which at time of passage of act and its taking effect had no organization or agent within state, and had retired from state and ceased to do business therein three years before; it being immaterial commissioner transmitted summons to home office of corporation. Beedle v. Stondall Land & Timber Co., 189 P. 427.

Pennsylvania

Where the essential facts giving jurisdiction of foreign attachment against defendant foreign corporation appear of record, the statement of claim after judgment cannot be successfully attacked on garnishee's rule to dissolve the foreign attachment, quash the writ, and strike off the judgment.

A foreign corporation, as such, is subject to foreign attachment.—Lehigh Coal & Navigation Co. v. Skeele Coal Co., 109 A. 160.

South Dakota

A single transaction whereby a foreign corporation undertook to find a purchaser for property located in the state does not amount to a doing of business in the state so as to avoid the contract for compensation under Rev. Codes 1919, 8909. because the corporation had neither filed copies of its charter or articles of incorporation or appointed a process agent as required by sections 8902, 8903. Charles E. Walters Co. v. Hahn 178 N. W. 448.

Texas

A foreign corporation suing to recover possession of buggies, an interstate shipment, under a conditional sale, made a chattel mortgage by statute need not allege and prove a permit from the state; there being nothing to show that it was engaged in doing business in the state. Moore-Hustead Co. v. Joseph W. Moon Buggy Co., 221 S. W. 1032.

CUSTODIAN (ALIEN PROPERTY.)

Dismissal or suspension of suit is not required by the fact that plaintiff becomes an alien enemy by declaration of war after he has recovered judgment and defendant has taken the case to the Circuit Court of Appeals, but judgment may properly be affirmed, with the modification that it be paid over to the Alien Property Custodian; aid and comfort to the enemy, the only objection to such a judgment, thus being prevented. Birge—Forbes Co. v. Heye, 40 S. ct. 160.

Where the Alien Property Custodian demanded a transfer, by one holding securities in trust for enemies, of the right, title, and interest of the enemies, and did not assert a legal right to the securities themselves, the capture did not change the character of the enemies right, and if such right was subject to an accounting, the custodian must submit to some judicial determination between himself and the trustee.

The Alien Property Custodian, having taken over the rights of enemies in securities held in trust, may file a bill to compel an accounting upon showing that the period for distribution has arrived.

Under Trading with the Enemy Act, 17 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ i), conferring jurisdiction on the District Courts to enforce the provisions of such act, the Alien Property Custodian may begin such ancillary proceedings as are necessary to reduce to possession property taken over by him.

One holding securities in trust for enemies, whose rights have been taken over by the Custodian for an accounting, without recognizing the title of the Custodian, and, where he disputes such title, the bill will be dismissed.

One holding securities in trust for enemies, whose rights have been taken over by the Alien Property Custodian, may sue the Custodian in the United States District Court for a settlement of his accounts and instructions. Kahn v. Garvan. 263 F. 909.

New York

The collusion of a life beneficiary, who was an alien enemy, in the unlawful accumulation by trustees of income, cannot affect the rights of the Alien Property Custodian, in whom the property was vested by Trading with the Enemy Act, 7, 9 (U. S. Comp. St. 1918, U. S. Comp. St. Ann. Sump. 1919, 3115 ½e), and the President's order.

The rights of an alien enemy as life beneficiary of a trust vests during the war in the Alien Property Custodian, and he is entitled to have a decree reopened to protect his rights, even though the alien enemy was a party to the proceeding in which the decree was rendered. In re Schaefer's Estate, 182 N. Y. S. 732.

Under Trading with the Enemy Act 1917, as amended by Act Cong. July 11, 1919, authorizing the return of property by the Alien Property Custodian to certain citizens of Allies, residents of Dresden, Saxony, in the German Empire, have no valid claim to a right to such return to them of a right of action, and where they are joined as plaintiffs with other joint owners, who are residents of Prague, in Czecho-Slovakia, and not in the category of alien enemies, a demurrer to the complaint on the ground of misjoinder of parties plaintiff must be sustained.

In view of Trading with the Enemy Act Oct. 6, 1917, as amended by Act Cong. July 11, 1919, defining "alien enemy," and relating to return of property held by Alien Property Custodian, the mere declaration by residents of Dresden, Saxony, Germany, of their intention to assume the national character of citizenship of Czecho-Slovakia cannot be accepted as a substitute for actual removal into or bona fide evidence of intention to return to that state; it being proper that courts of a belligerent nation should deny to any one the right to use a character so equivocal as to claim either

nationality whenever it may best suit his purpose and it is called in question. Waldes v. Basch, 179 N. Y. S. 713.

The Alien Property Custodian, acting under the Trading with the Enemy Act (U. S. Comp. St. 1918, 3115 ½ a-3115 ½j), in adjudging that a corporation's property belonged to alien enemies and demanding possession, and serving a copy of demand on defendant bank, holding a deposit made by individual plaintiff in name of corporation, which refused compliance therewith, was a part of prosecution, and where plaintiff sued to recover deposit pending a libel in the federal court by Alien Property Custodian to determine ownership of the fund in suit, defendant's motion under Banking Law, 113, to interplead Alien Property Custodian would be denied, with leave to serve answer after determination of pending libel.

All alien enemy property in the United States during the war, including choses in action as well as tangible property, is subject to seizure and confiscation when so directed by Congress, as in the Trading with the Enemy Act (U. S. Comp. St. 1918, 3115 ½ a-3115 ½j). Strob v. Chatham & Phenix Nat. Bank of the City of New York, 178 N. Y. S. 309.

Pennsylvania

Though testatrix died after war had been declared between the United States and the German Empire and when the Trading with the Enemy Act (U. S. Comp. St. 1918, Comp St. Ann. Supp. 1919, 3115 ½ a-3115 ½j) was in force, a devise and bequest of one-third of testatrix's estate to a daughter who was an alien enemy was not void so that the property would pass to the residuary legatees and devisees under Act June 7, 1917 (P. L. 408) 15c, and the Alien Property Custodian, and not the residuary legatees and devisees, was entitled to said daughter's share.—In re Gregg's Estate, 109 A. 777.

Washington

Where a claimant against an estate had contracted a marriage with an alien enemy, which was void because he had another wife living, she did not thereby become an alien enemy, so as to be entitled to the benefit of Trading with the Enemy Act Oct. 6, 1917 (U. S. Comp. St. 1918 Comp. St. Ann) Supp. 1919, 3115 ½ a-3115 ½a-3115 -2j), and of Rem Code 1915, 171, excluding the time of war from the period of limitation for the commencement of action by an alien enemy. Beyerle v. Bartsch, 190 P. 239.

Wisconsin

The Alien Property Custodian, appointed by the President under Trading with the Enemy Act Oct. 6, 1917 (U. S. Cmop. St. 1918, Comp. St. Ann. Supp. 1919 3115 ½ a-3115 ½ff, 3115 ½j), as amended March 28, 1918, and November 4, 1918, is vested with an interest and qualified title to the moneys and property acquired to the exclusion of the enemy under Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ff.

Alien Property Custodian, appointed by the President under Trading with the Enemy Act Oct. 6, 1917 (U. S. Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ a-3115 ½ff, 3115 ½ g-3115 ½i), as amended March 28, 1918, and November 4, 1918, is a necessary party to actions involving the property acquired by him he being the government's representative to protect its rights and those of the alien enemy. Youghiogheny & Ohio Coal Co. v. Lasevich, 176 N. W. 855.

CUSTOMS.

New York

Conceding that a c. i. f. contract of sale of fish to be shipped from New foundland to New York was a New York contract, in an action to recover thereon, defendant setting up a counterclaim by reason of failure of plaintiff seller to have issued a policy of war risk insurance, custom and usage in Newfoundland as to not taking out such insurance under such contracts was admissible, as against the objection that such custom was only local, as it would necessarily imply the same custom and usage on the part of the purchasers in New York in accepting such shipments. Smith Co v. Moscahlades, 193 N. Y. S. 500.

DEATH.

When a state creates a cause of action for death occuring therein, it cannot limit the jurisdiction of the courts of other states to enforce it. Kenney v. Supreme Lodge of the World, Loyal Order of Moose, 40 S. Ct. 371.

Kansas

A cause of action for death by wrongful act, accruing in another state by virtue of its laws, may not be enforced in this state by an administrator appointed in this state for the estate of deceased, who was a resident of this state, notwithstanding Gen. St. 1915, 6937 (Civ. Code, 47).-Russell v. Kansas City Rys. Co., 189 P. 367.

Missouri.

By comity, and by Laws 1905, p. 95, and Rev. St. 1899, 547, the doors of the courts of Missouri will be opened to causes of action for wrongful death accruing under laws of other states. Woodard v. Bush, 220 S. W. 839.

New York

In action to recover for the benefit of the next of kin damages for death caused by negligence in another state, the action is based on the rights given by the statute of the place of the death. Prdich v. New York Cent. R. Co., 183 N. Y. S. 77.

DIVORCE.

Arkansas

Where divorce decree rendered in other state divested wife of all right and title in husband's real estate, wife was not entitled to a life estate in one-third of husband's land in Arkansas, notwithstanding Kirby's Dig. 2684, entitling wife to such interest upon being granted a divorce; such statute merely prescribing a rule of practice pertaining to orders and judgments in divorce proceedings within the state, and having no application to divorce decrees rendered in other states. Gwynn v. Rush, 219 S. W. 339.

Louisiana

"Residence," as used in Act. No. 269, of 1916, 1, providing that when married persons have been living separate and apart for a period of seven years or more either party to the marriage contract may sue, in the courts of the state of his or her residence, provided such residence shall have been continuous for the period of seven years, for an absolute divorce, is to be taken in the sense of residence de facto et animo manendi, which by conferring citizenship vests jurisdiction of that relation. Lepeneer v. Griffin, 83 So. 839.

Wife enjoys no lien or privilege upon property of husband, real or personal, in Louisianna, by virtue or decree for alimony rendered in another state, and none could have been acquired on her claim based on such foreign judgment except by proceeding in ordinary way to obtain decree in courts of Louisiana and by recording it in parish where property of husband was located, though even then lien would attach to realty only.

Under Code Practice arts 269-275, as to writs of sequestration, wife claiming alimony under decree of other state held could not have same issued as against property in hands of husband as his mother's executor, and which would come to him as heir, despite allegation he might convert his interest into cash and remove it from state or conceal it. Succession of Macheca, 84 So. 574.

Massachusetts

A husband, who went to a city in the commonwealth with intention to remain if he found conditions favorable, both without definite and fixed intention to remain and become a resident of the city at all events, did not acquire a domicile in the commonwealth. Field v. Field, 128 N. E. 9.

Mississippi

The judgment of a court of a sister state in divorce proceedings, granting the wife a divorce and awarding to her the custody of a minor child, will be given full faith and credit, and taken as the decisive of the facts and existing conditions at the time of the divorce.

In a proceeding between divorced parents for the custody of a child, a divorce decree of a sister state has no controlling force and effect upon facts and conditions arising after the decree of divorce. Haynie v. Hudgins, 85 So. 99.

New Jersey

A decree of divorce by a foreign state between parties domiciled in New Jersey, who have gone to such foreign state in order to obtain such decree for a cause not ground for divorce in New Jersey, is absolutely void under P. L. 1907, p. 483.

The invalidity of a foreign decree of divorce between parties domiciled in New Jersey may be set up in a collateral suit in New Jersey.

The party obtaining a foreign decree of divorce while both parties are domiciled in New Jersey is not estopped by such act from asserting its invalidity in a suit in N. Jersey.

The party obtaining an absolutely void foreign divorce decree while both husband and wife were domiciled in New

Jersey will not necessarily be refused relief in equity, though such decree was obtained by false representations to the foreign court as to the facts of domicile.

Where the wife, suing in chancery for maintenance, attacks validity of a void foreign decree of divorce obtained by her while both she and her husband were domiciled in New Jersey, equity will examine into all the facts, and will accord or refuse the prayer of the bill on general equitable principles, according to whether or not it deems it conscionable to do so.

Where the obtaining of a void foreign decree of divorce by false representations as to domicile by the wife to the foreign court is in fact the scheme and act of the husband effectuated through his fraud and duress upon and control over the wife, the wife, in the absence of other circumstances, will be granted relief in the Court of Chancery.

Wife may maintain a suit for maintenance under Divorce Act, 26, after obtaining a void foreign decree of divorce by false representations to foreign court, as to domicile, though she accepted a lump sum in lieu of alimony under an agreement approved by foreign decree, where foreign proceedings were against her wishes, and resulted from husband's fraud and duress, so that her acts were really his acts, and where she did not know of his contemplated second marriage shortly after the divorce, and has not unduly delayed suit, and tenders return of remaining part of lump sum payment. Hollingshead v. Hollingshead, 110 A. 19.

New York

Where a wife, on separating from her husband, removed from New York, which was the marital domicile, and after a little over a year's residence procured a divorce in Pennsylvania, held that, unless conceded the question of bona fides of her residence in Pennsylvania could be raised in a later action by the husband against his wife for divorce.

Former judgment of divorce against New York resident on constructive service will not be recognized in that state; so where a wife left New York, the marital domicile, and acquired a residence in Pennsylvania, and on constructive notice secured a divorce in that state, the decree is not binding on her husband, a resident of New York, and will not, on grounds of public policy, be therein recognized, regardless of the rule that the New York courts will recognize a divorce decree of a a foreign state, where neither of the parties were citizens of New York.

Where a woman left New York, the marital domicile, and after acquiring a residence secured a divorce in Pennsylvania and remarried, the New York courts will not recognize the vadidity of the Pennsylvania decree, because of the solemnization of a second marriage in that state, etc., where the woman was advised by counsel that the decree would not be recognized in New York. Kaiser v. Kaiser 182 N. Y. S. 709.

Where the validity of an Illinois judgment granting a divorce was drawn in question between persons who were non-residents of New York, and no showing as to the Illinois requirement as to residence was made, it will be presumed, in favor of the judgment that the residential requirements were met.

Where a husband abandoned his Connecticut wife and in Illinois obtained a judgment of divorce, the New York courts will enforce the judgment as against the Connecticut wife, as such judgment would be recognized in that state; and hence, in a controversy after the death of the husband, between the original wife and the second wife, the latter will be treated as the widow, but, of course, rights of a child of the first marriage are unaffected. In re Baker's Estate, 183 N. Y. S. 139.

Whether the operation of a foreign divorce decree affecting a defendant in New York will contravene public policy is exclusively for the courts of New York to determine.

A decree of divorce obtained in another state on grounds not warranting divorce in New York is not binding on the courts of New York, where the matrimonial domicile was never in the other state, and at the time of the decree the defendant was a resident of New York, and neither was personally served nor appeared in the action.

Where the matrimonial domicile was never within the state, the husband becoming a resident after the separation, a divorce on service by publication in a state not the matrimonial domicile will not be held a nullity ,after the death of the first husband, at the suit of a second husband, who at the time of his marriage resided in the state where the divorce was secured. Hubbard v. Hubbard, 126 N. E. 508, 228 N. Y. 81.

Pennsylvania

Where it did not appear that plaintiff and her husband ever lived together in Nevada or that she ever recognized a divorce claimed to have been procured by the husband therein after his alleged residence there and his attempted service of process upon the wife in Pennsylvania by causing to be read to her some paper, the contents of which were not shown, any divorce granted in that state would be invalid in Pennsylvania. Duncan v. Duncan, 109 A. 220.

DOMICILE.

Where a change in the marking of the state boundary line showed that the sleeping and eating rooms in defendants' residence were in a state other than that in which defendants had considered themselves residents for 40 years, the intention does not control as it does in determining which one of several residences is a domicile, but the domicile is in that state in which the living rooms actually were. Blaine v. Murphy, 265 F. 324.

Florida

Legal residence may be acquired by one who, coming from another state actually lives in this state with the intention of permanently remaining here. Chaves v. Chaves, 84 So. 672.

Kentucky

The domicile of infants is that of their parent having them in charge, and unless their domicile has been changed by such parent in some of the modes pointed out by law, their once-acquired domicile will continue; an infant being incapable of changing its own domicile by acts or conduct. New Domain Oil & Gas Co. v. McKinney, 221 S. W. 245.

New York

Every person must have a domicile somewhere, and a man can have only one domicile.

To effect a change of domicile from one state to another, there must be more than a desire of change, and the burden rests upon the party asserting another domicile to establish that the domicile of origin was abandoned or changed.

When a New Yorker by birth, who had a dwelling in New York, also occupied his wife's dwelling in Massachusetts, paid poll and personal taxes in Massachusetts, those facts are not conclusive that the New Yorker had acquired a Massachusetts domicile; it appearing that by payment of personal taxes in Massachusetts he escaped considerable burdens.—

That a New Yorker, who owned a New York residence and whose wife owned a Massachusetts residence, placed his name upon the registry list in Massachusetts and voted at that place, does not establish the fact that he had a Massachusetts domicile.

Though a will recited that testator was a resident of Massachusetts, that fact is not conclusive that the testator was domiciled in Massachusetts. In re Lydig's Estate, 180 N. Y. S. 843.

An American citizen, born in New York, but taken to France by his parents at 7 years of age, where he lived until his death, about 55 years later, making only occasional trips to New York, during which his apartment was left in charge of a servant, indicating an intention to return, was domiciled in France.

A man may retain his nationality and citizenship in one country, and yet become domiciled in a foreign country.

Where there is an absolute and fixed intention to abandon one domicile and acquire another, and the acts of the person affected confirm such intention, his motives in making the change are immaterial.

If a party's domicile of origin was in New York, the burden of proof was on one claiming that he had acquired domicile in France to show that fact; but, having done so, the burden was on the opposite parties to show that a new domicile had been acquired in New York.

Recitals in deeds and wills are not given much weight in determining the question of a person's residence, in comparison with the evidence supplied by his daily life and acts and conduct. In re Tallmadge, 181 N. Y. S. 336.

Virginia

"Domicile" and "residence" are not interchangeable words of the same or equivalent meaning, as a man can have but one domicile at one and the same time, but he may have several residences.

A domicile continues to exist until another is acquired elsewhere, and to effect a change of domicile there must be an actual abandonment of the old domicile, coupled with an intent not to return it it, and also a new domicile acquired at another place which can only be done with a union of intent and personal presence.

The existence or nonexistence of a domicile in a given locality is a mixed question of law and fact. Talley v. Commonwealth, 103 S. E. 612.

EXECUTORS AND ADMINISTRATORS.

Illinois

Where there were no debts of an estate in Illinois and no necessity for administration, but there were debts in the state of the decedent's domicile, and no other estate or property, the administrator in the state of the domicile was entitled to have the property in Illinois turned over to him. Headen v. Cohn, 126 N. E. 550.

Missouri

Title to personalty vests in the domestic administrator, where the owner was a nonresident at the time of his death. Conqueror Trust Co. v. Craig, 218 S W. 972.

New York.

Prior to the enactment of Code Civ. Proc. 1836a, allowing foreign executors and administrators to sue and be sued, a foreign executor could collect from a resident debtor, giving a receipt which would be binding against subsequently appointed ancillary administrator, and might assign choses in action to an assignee, who would sue for his benefit.

Code Civ. Proc. 1836a, providing that an executor or administrator appointed in any state may sue or be sued in any court of the state in his representative capacity in the same manner and under the same restrictions as a nonresident may sue and be sued, does not limit actions against the personal representative to those classes of cases where actions are authorized against a foreign corporation; the conditions being manifestly different, for executors and administrators are rarely allowed to do business in the state, and, if limited to such action, the statute would be unavailing.

Where any portion of the estate is situated within the state, the New York courts have jurisdiction in equity of a nonresident executor or administrator, even before passage of Code Civ. Proc. 1836a, allowing personal representatives to be sued in thei representative capacity as other nonresidents.

Where a nonresident executrix was served in an action against her as such while she was in New York, held that, although there were no assets of the estate within New York, she must, under Code Civ. Proc. 1836a, allowing foreign executors and administrators to sue and be sued as nonresidents, be deemed to have been served in her representative capacity; the section having broadened the recognition which the courts as a matter of comity had previously extended to nonresident personal representatives.

In view of pre-existing rules as to equity suits, held that, under Code Civ. Proc. 1836a, service of summons on a foreign executrix must be deemed to have brought the estate into court, although none of the assets of the estate were within the jurisdiction.

The state of the forum may by law recognize foreign letters testamentary or of administration, and allow a foreign personal representative to sue or be sued.

Where jurisdiction was obtained by a service of summons and complaint personally within the state, on a foreign executrix, who died thereafter and before answer, the action did not abate on her death (Code Civ. Proc., 775), and could be continued against a foreign administrator with the will annexed who continued the administration, without further service of summons. Thorburn v. Gates 183 N. Y. S. 424.

Oregon

Judgment recovered in another state by administrator for defendant's refusal to deliver intestate's funds invested in capacity of trustee, or deliver securities purchased, could be made the basis of a cause of action, notwithstanding L. O. L. 761, limiting administrator's authority to jurisdiction of government under which he was invested with his authority, since such action can be brought by administrator in its individual capacity, both original cause of action and cause of action to enforce judgment having accrued subsequent to intestate's death. Reed v. Hollister, 188 P. 170.

EXTRADITION.

Proceedings before a committing magistrate in international extradition are not subject to correction by appeal.—Collins v. Miller, 40 S. Ct. 347.

Minnisota

That accused left the demanding state with the knowledge and consent of the prosecuting witness renders him none the less a fugitive from justice, as a prosecuting witness cannot thus interfere with the administration of the criminal law.—State v. Wagener, 177 N. W. 346.

JUDGMENTS.

A judgment of a state court, embracing findings of fact and construing a statute of its own state, is conclusive on the federal courts. Ward v. Foulkrod, 264 F. 627.

A provision of a state statute creating a cause of action for death, that the action may be maintained in a court of competent jurisdiction within the state "and not elsewhere," does not deprive a judgment on such cause of action of the right to be accorded full faith and credit in other states.—Kenney v. Supreme Lodge of the World, Loyal Order of Moose, 40 S. Ct. 371.

Iowa

A court in all proceedings in rem determines the right of the party to the relief prayed for, but enters judgment only against the property within its jurisdiction, the judgment so rendered not serving as a basis for any proceeding in a foreign jurisdiction, and not being binding upon anything except the property and rights in the property against which it operates.—In re Longshore's Will, 176 N. W. 902.

Maine

That a suit brought by one Maine corporation against another for conversion of ore in Arizona was dismissed by the Massachusetts courts for want of jurisdiction because the parties were nonresidents is not a conclusive adjudication against the authority of the Maine courts to entetain subsequent suit for the same cause of action, both corporations being residents of Maine. Arizona Commercial Mining Co. v. Iron Cap Copper Co., 110 A. 429.

Minnesota

A final decree of the county court of the state of Wisconsin where a will was probated and to which the executor trustee made report and received his discharges, in the absence of a showing that the court was without jurisdiction, is final and conclusive on the courts of Minnesota. Whittaker v. Meeds, 178 N. W. 597.

Missouri

A foreign decree in partition, construing a testator's will, held to control the title to property bought in this state for the benefit of the resident of the state, provided such resident had constructive notice of the foreign suit.

In a partition suit, where the court gave effect to a judgment in partition in a foreign state whether the proceedings to give notice in such foreign state to nonresident defendants were adequate for that purpose is controlled by the law of such state. Jones v. Park, 222 S. W. 1018.

Oklahoma

The foreclosure of a mortgage on lands situated in another state, given to secure certain notes, is not a bar to an action brought by the holder of such notes in this state, where the the makers of such notes as defendants in the foreclosure action were nonresidents of the state where such foreclosure action was brought, and were not served with a personal service nor appeared in such action, since no personal judgment was rendered against them.

A judgment, foreclosing a mortgage on lands situated in another state where the maker of such mortgage was a nonresident of such state and did not appear, and no personal judgment was rendered on the notes secured by said mortgage, is not a merger of the notes as a cause of action, and a subsequent action brought to recover upon said notes may be maintained in the state of the makers' residence.—Randerson v. McKay, 188 P. 323.

Oregon.

Judgment of court of general jurisdiction of other state having jurisdiction over defendant's person either by regulation service of process or voluntary appearance, in a proceeding so stated in the pleadings as to call for the exercise of the court's jurisdiction if pertinent to the issues raised by such pleadings, is final and conclusive when pleaded as a ground of action in this state. Reed v. Hollister, 188 P. 170.

JURISDICTION.

New York

Where a member of a Mexican monetary commission in control of a Mexican bank, appointed by the executive of that republic, sought the jurisdiction of the Supreme Court of New York to collect from a Canadian bank moneys belonging to the Mexican bank in New York, his rights became subject to consideration of claims which other parties might have to the funds, and the court has jurisdiction over him at the suit of a New York creditor of the Mexican bank for receivership of the funds in New York and for injunction. Mitchell v. Banco De Londres y Mexico, 183 N. Y. S. 446.

MARRIAGE.

Kentucky

The validity of a marriage must be determined by the law of the place where the marriage occurred. Potter v. Stanley 219 S. W. 169.

Tennessee

The rule that a general search must be made of the court records for divorce in order to overcome the presumption indulged in favor of the legality of a second marriage has reference to the court records of the state in which the spouse effecting the second marriage has established a residence, so where a man, resident of Tennessee celebrated a second marriage in Arkansas, stating at the time he was a resident of the state of Ohio, the court records of states other than Tennessee need not be searched to rebut the presumption that there was a divorce. Payne v. Payne, 219 S. W. 4.

Texas

A ceremonial marriage may be proved by the testimony of eyewitnesses without the production of the marriage certificate, or explanation of its absence, and proof of a ceremonial marriage in a foreign country carries the presumption that it was in accordance with that country's laws. Lopez v.Missouri K. & T. Ry. Co., of Texas, 222 S. W. 695.

Wisconsin

The marriage license law (St. 1919, 2339nl to 2339n27) expressly referring to a marriage which may be contracted "in this state," has no extraterritorial effect, as regards noncompliance therewith rendering voidable in the state, under section 2330m, or otherwise affecting, a marriage of residents of the state celebrated in another state.

The eugenic marriage law (St. 1919, 2339m) has no extraterritorial effect, and noncompliance therewith does not affect validity of marriage, within section 2330m, of residents of the state celebrated in another state.

St. 1919, 2330m, so far as relating to marriage of residents of the state in another state, renders null and void such marriage only where the parties are disabled or prohibited, under Wisconsin laws, from marrying under any cicumstances; that is, such a marriage as is prohibited by section 2330.

Relative to power to annul a marriage solemnized in another state, it must be assumed, in the absence of allegation to the contrary, that it was not void there and that the parties were not disabled or prohibited from marrying there. Lyannes v. Lyannes, 177 N. W. 683.

PATENTS.

The application to a patented vacum cleaner of elements of a device covered by a foreign patent involved merely mechanical skill, and not invention, where each element in the new combination operated in substantially the same way as in the prior device and effected substantially the same result. Application of Moore, 265, F. 462.

PRINCIPAL & AGENT.

Kansas

Where foreign corporation's agent, selling weather strips by contracts calling for payment in cash at completion of work, took, instead of cash, customer's check on local bank where cashier knew the agent had been in the vicinity for some time filling similar contracts, such bank did not become liable to the corporation upon cashing, for the agent who later absconded, the check indorsed by him with the corporations name followed by his name as "agent" Chamberlin Metal Weatherstrip Co. v. Bank of Pleasanton, 190 P. 742.

Where a seller shipped goods, which exclusive selling agent intended to export under an inland bill of lading accompanied by a sight draft, as it was authorized to do under the contract, the agent's refusal to accept the draft authorized the seller to cancel the contract.

Where a contract appointed plaintiff as sole agent to sell defendant's cyclemotors in a foreign country merely required defendant to ship the cyclemotors to some American port and furnish them free alongside boat, with such documents as were necessary to authorize plaintiff to take the goods and export them, if it chose, it was error to submit to the jury the question whether defendant broke the contract by failing to furnish an ocean bill of lading.

Where plaintiff appointed sole agent for the sale of defendant's cyclemotors in a foreign country, and transferred such agency to a third party under an agreement entitling him to a specified profit on each cyclemotor sold, but plaintiff made default under its contract with defendant by refusing shipments and refusing to accept a draft for the price, no liability survived to it for such profit, notwithstanding the attempted transfer of the agency. Andrew Gulick & Co. v. Cyclemotor Corporation, 182 N. Y. S. 316.

PROCEDURE.

Departure from the mode of return prescribed by State statute of deposition taken in foreign county, namely, by officer who took it putting it in the mail, held excused; that course being impossible because of war, and he having transmitted it in the only practical way, through the American consul to the Department of State, and from there by mail. Birge-Forbes Co. v. Heye, 40 S. Ct. 160.

SALES.

Nebraska.

Written contract between non-resident corporation and a resident for sale of corporation's medicines, to be delivered f. o. b. at point outside the state for shipment into state, to be there sold by purchaser as itinerant vendor, without expense to corporation for storing or selling the goods, was not void as against public policy, because violative of Rev. St. 1913, 2726, relating to itinerant vending of drugs etc.; such statute having no extraterritorial force.——J. R. Katkins Medical Co. v. Hunt, 177 N. W. 462.

New York

Where goods were shipped f. o. b. Naples, and payment was to be made in dollars, "lires to be valued at the market rate of the day of arrival," goods being shipped from Naples, not to the purchaser, but to the defendant seller in New York, delivery was to be in New York; the term "f. o. b. Naples" being used only to fix the price of the goods.—Maddoloni Olive Oil v. Aquino, 180 N. Y. S. 724.

Under contract for sale of sugar for export, delivery to be made f. o. b. steamer in New York, terms net cash payable on presentation of shipping documents, the buyers in consideration of the sellers' passing custom house entry and carrying the drawback, agreeing to furnish custom house bill of lading and landing certificate free of charge, such express provisions could only be satisfied by delivery of the sugar on board ship for export, and the buyers could not waive such provisions, as not for their sole benefit, and direct delivery to be made to a warehouse; the clause that, if the sellers were unable to collect drawback through any default of the buyers, the latter agreed to reimburse the sellers, not protecting the sellers, if the sugar were destoyed in warehouse.—Bencoe v. Christianson, 180 N. Y. S. 789.

Texas.

Where American buyers of Mexican cattle accepted them from the seller, and moved them to a point in Mexico near the United States line, where nothing remained to be done except to pay duty if legally imposed, drive the cattle to the American side, and pay the Mexican seller in accordance with the contract, so far as the seller was concerned, the contract was executed, and not open to abrogation as executory, to permit making a new agreement. Barreda v. Craig, Thompson & Jeffries, 222 S. W. 177.

TAXATION.

That the property and business of a corporation are entirely in another state does not make it any the less subject to taxation in the state of its domicile. Cream of Wheat Co. v. Grand Forks County, N. D., 40 S. Ct. 560.

That it required the personal skill and management of a non-resident of Oklahoma to produce the income from his property in Oklahoma, and that his management was exerted from his place of business in another state, did not deprive the state of Oklahoma of jurisdiction to tax the income which arose within its own borders.—Shaffer v. Carter, 40 S. Ct. 221.

A state, in taxing the property of foreign corporations, may only look beyond its borders to get the true value of things within the state, when they are a part of an organic system of wide extent, giving them a value above what they would other wise possess, and property of an interstate railroad situated elsewhere cannot be taken into account, unless in some plain and fairly intelligible way it can be seen that it adds to the value of the road and the rights exercised in the state.—Wallace v. Hines, 40 S. Ct. 435.

California.

In order that transfer of property of non-resident be subject to inheritance tax, the property must be within the state. In re Murphy's Estate, 100 P. 46.

Georgia

The personal property of a deceased person in the hands of his executors during the settlement of the estate is taxable at the place of the domicile of the decedent, if a resident of the state. City of Blakely v. Hilton, 102 S. E. 340.

Louisiana

A transfer of any property which is situated within the state and subject to its jurisdiction is subject to the payment of a succession tax, although the decedent was a resident of another state.

Inheritance Tax Law, 19, providing that in case of a nonresident decedent the district court of any parish in which he left property, movable or immovable, shall exercise jurisdiction

for the collection of the tax, applies to the succession of nonresidents, in view of section 1, imposing the tax on "all" inheritances, and section 21, expressly specifying the exceptions intended to be allowed without including the succession of nonresidents, and of section 6, that no executor or administrator shall deliver any inheritance until the tax thereon shall be fixed and paid, and in view of sections 3 and 17.

An inheritance tax is not a tax upon the property itself but on the privilege or right to inherit, and in the case of a nonresident this right to inherit does not exist by virtue of the laws of the state of decedent's residence, especially in view of the Inheritance Tax Law, 19, indicating conclusively that the succession of nonresidents was intended to be included with in the act.

Where the property of the wife dying in Mississippi, to which state she and her husband had removed from Louisiana, consisted of movables belonging to the community of acquets and gains and kept by the husband in his land in Louisiana, the situs is not to be considered as having followed the domicile of the parties under the maxim mobilia sequntur personam, as that maxim, which is based on a pure fiction, cannot defeat the operation of a statute, as Act 109 of 1906, imposing a tax. Succession of Popp, 83 So. 765.

Minnesota

The Great Northern Iron Ore Properties, a trust issuing beneficial certificates, has a domicile or situs within Minnesota such as subjects the cetificates to a succession tax under Gen. St. 1913, 2271, on the death of a nonresident owner, where its principal place of administration is within the state, and the corpus of the trust is kept and managed therein, and its present, secretary, and office force are located therein, though, for convenience, some of its business is transacted in another state, where two of the four trustees reside, even though the corpus consists in part of stock in foreign corporations.—In re Thorne's Estate, 109 A. 920.

Missouri.

Though the common stock of a foreign corporation has no stated par value, it can be taxed in the state on the proportion of the capital stock represented by its business therein to the whole amount of its capital stock as required by Rev. St. 1909, 3039. State ex rel. Standard Tank Car Co. v. Sullivan, 221 S. W. 728.

New York

Decedent, a woman with some millions of dollars, resident in Vermont, who commonly remained in city of New York, going there almost daily to make loans through corporations which she had organized to transact her business, at her death was "doing business" in state, and had capital invested in such business subject to transfer tax, under Tax Law, 220, subd. 2, though she maintained no office open to public. —In re Green's Estate, 182 N. Y. S. 190.

Where a New Jersey corporation doing business in New York had its general offices at Easton, Pa., in which state it had a substantial part of its manufacturing plant, and in which state a corporation was organized to take title to the necessary real estate there, and the stock of such Pennsylvania, corporating was all owned by the New Jersey corporation, which stock was kept in Pennsylvania, the stock of the Pennsylvania corporation, being deemed assets located where the physical property represented by it was located (Tax Law, 181), cannot be assessed for taxation in New York under Tax Law, 214. — People ex rel. Alpha Portland Cement Co. v. Knapp, 181 N. Y. S. 32.

In view of the fact that the word "resident", used in Decedent Estate Law, 47, designates a person domiciled in the state, the inheritance tax, which is imposed upon the transfer of property within the state by will or the intestate law, is properly imposed by the state where the transfer takes place, which is the state of the domicile of the decedent at the time of his death. In re Lydig's Estate, 180 N. Y. S. 843.

Foreign corporation, with manufacturing plant and principal offices in other state, but with one room office in New York, which was not visited by its New York salesman more than once every month or so, but which was maintained with one attendant merely to forward cablegrams, messages and letters to, and to put customers in touch with, main offices, without the making of sales, or keeping of books, held not subject to franchise tax under Tax Law, 208-219k, since it was not carrying on a business or employing capital within the state. People ex rel. Brighton Mills v. Knapp. 183 N. Y. S. 480.

Pennsylvania

The capital stock of a foreign corporation could be in the state for purposes of taxation only in so far as the property of the company representing it was in the state Commonwealth v. Clyde S. S. Co., 110 A. 532.

Wisconsin

Where a Wisconsin partnership and a New York partnership entered into a partnership agrement under which the Wisconsin partnership gave 40% of necessary capital and had exclusive control of the purchasing, storing handling, and shipping of Wisconsin tobacco, and the New York firm furnished 60% of the capital and had exclusive control of the sale and disposition of the tobacco, all sales being made out of the state the Wisconsin firm taking 40 per cent of the profits, the income belonging to the Wisconsin partnership was taxable within Wisconsin, under St. 1919, 1087m2, subd. 3, and the portion of the income apportioned to the New York firm was income derived partly from property and business within the state of Wisconsin and partly from business transacted without the state and should have been allocated. Village of Westby v. Bekkedal, 178, N.W. 451.

Where Wisconsin Trust Company, administering trust in Wisconsin, consented to a Philadelphia corporation paying dividends at Philadelphia to the beneficiary of the trust, receipts being signed by the beneficiary to the Wisconsin Trust Company, the trust company crediting the income account of the trust estate with the amount paid to such beneficiary and debiting the same account with the amount when the receipt of the beneficiary was received, and accounting to the county court for the amount so credited and debited, the transaction constituted in law a payment of the income to the Wisconsin Trust Company, and such income was "received" by the Wisconsin Trust Company within the meaning of St. 1917, 1087m2, subsec. 3, and was properly assessed for income taxation.—State v. Phelps, 176 N. W. 863.

TREATIES.

Iowa

Code Supp. 1913, 1481a, 1481a5, 1481aI3, I481aI6, relating to inheritance tax, make the tax upon a collateral inheritance or devise to remainder man after a life estate accrue at the death of the decedent, notwithstanding it may not become payable until the time of its enjoyment, so that, where the decedent died prior to the year 1911, the rights of heirs and devises in Sweden were not affected by the treaty between the United States and that country, since they had become vested, and the treaty did not purport to be retroactive.—Welander v. Hoyt, 176 N. W. 954.

WILLS.

Arkansas

The full-faith and credit clause of the United States Constitution does not require that a will probated in another state be admitted to ancillary probate in this state without the right to contest, except for insufficiency of the proofs of foreign probate and nonresidence of the testator in the foreign jurisdiction, in so far as the will relates to property of testator in this state.—

In view of Kirby's Dig. 8041 and 8051, the ancillary probate of will probated in another state may be contested upon ground of testamentary incapacity and undue influence within a year after probate thereof, nothwithstanding section 8033, providing for admission to probate of will proved in foreign court by production of anthenticated copy of will and certificate of probate; such status having reference only to probate of wills in common, and not solemn, form, which as to property within the state can only become conclusive if no contest is entered within the year.

The probate of a will in another state affects only property in such state, and the effect of such foreign probate as to property in this state bequeathed and devised by such will must be determined by the statutes of this state.—Selle v. Rapp, 220 S. W. 662.

Indiana

In suit to quiet title, exclusion of certified copy of will and probate proceedings thereof in another state was proper under Burns' Ann. St. 1914, 3146, 3149-3151, where purported will had not been filed or recorded in the country in which the action was brought, and where certified copy thereof showed on its face that the will was executed without witnesses as required by section 3122.—Howard v. Merker, 127 N. E. 807.

Iowa

Will of testator domiciled in this state, originally probated in another state in which testator had property, cannot be admitted to probate in this state upon authenticated record of the foreign probate, without other proof or notice, notwithstanding Code 1897, 3294, providing for admission to probate of will probated in other states or country without the notice required in the case of domestic wills, on the production of a copy thereof and of the original record of probate authenticated: such

statute having reference to will probated at the domicile of the testator in a foreign state.

Will may be probated in a state other than that in which testator is domiciled, but such probate is strictly a proceeding in rem, affecting only the property within such state, with no extraterritorial force, and does not entitle will to admission in the state of the domicile under the statutes or under the good-faith and credit clause of the Constitution. In re Longshore's Will, 176 N. W. 902.

Maryland

Where, in a suit between the heirs of a decendent to sell her land for partition, receivers were appointed, and thereafter in a will contest instituted by the heirs in another state the validity of the will was established, the court properly discharged the receivers. Murphy v. Mackey, 109 A. 326.

NEW LAWS AND REGULATIONS.

AUSTRALIA.

Operations of Foreign Companies.

The Australian Government has extended the operation of the war precautions act to January 1, 1922, so that foreign companies must obtain permission from the Federal government in order to trade within the Commonwealth.

AUSTRIA.

Commercial Agreement With Jugoslavia.

"Der Neue Wiener Journal" for September 4, 1920 states that a commercial agreement has been made between Jugoslavia and Austria with a sub-agreement for the delivery of locomotives to Jugoslavia. This agreement has now been ratified by both countries, although the subagreement could be put into force before the ratification, as its terms are purely commercial. Raw products of various kinds, including hemp, wood, hides, tanning mateials, drugs, and metals, are provided for industrial purposes.

BELGIUM.

Increase in Charges for Vises.

By royal decree of July 31, 1920, the Government has raised the rates for vises on passports belonging to subjects of foreign countries to an amount equal in each case to the rate levied on Belgian subjects for vises by the officials of the foreign country to which the alien belongs. The minimum charges dating from August 1, 1920, are as follows: 10 francs for a simple passport vise, 20 francs for a vise covering entry and departure, 25 francs for a permanent vise (good for 6 to 12 months) 6 francs for the legalization of a document.

Exemption from these charges is granted to seamen, indigent persons, and official personages of foreign governments.

Modification of the Price of Alcohol.

The Ministry of Industry, Labor, and Provisions, in accord with the excise administration and the Minister of Finance, has just issued a decree modifying the prices of alcohol. The new prices, as from September 1, are:

For motive power, manufacture of artificial silk and other use in which alcohol is entirely denatured, 100°, 3 francs the liter (1 liter equals 1.057 quarts).

For anatomical or scientific preparation, antiseptic and medical use, manufacture of pharmaceutical products, antiseptic and medicated cotton, felt and hats, manufacture of peptonne, fulminate of mercury, collodion, artificial flowers, transparent soap, imitation leather, tannin, pyrotechnical products, smokeless powder, and aniline colors, 100°, 5 francs 20 centimes the liter.

For the manufacture of vinegar, to October 31, 1920, 7 francs 60 centimes; from November, 1920, 5 francs 60 centimes the liter; manufacture of varnish, 5 francs 72 centimes; perfumery, 13 francs; university laboratories and official establishments, 21 francs 80 centimes. For laboratories other than official, medical and pharmaceutical use, use in hospitals and clinics, and for fruits and confectionary and other uses, 21 francs 85 centimes.

BOLIVIA.

Law on Selling Foreign Drafts Repealed.

The Government has repealed the law requiring exporters to sell foreign drafts equaling 10 per cent of exports to the Banca de Nacion. This law was effective October 1.

BRAZIL.

Supervision of all Banks.

The minister of finance has issued the following circular to all banks:

"In accordance with decree No. 1811, of July 19, the strict observance of the provisions thereof is advised, no selling or buying operation of exchange to be effectd without the previous authorization of this office, by demanding production of the documents considered indispensable for the proof of legitimate business. In case of offense, article 2 of said decree provides as a penalty the seizure of the values in question and a fine of 50 per cent of the sums.

"You are requested, when called upon to do so, to supply the inspector with all details connected with money-exchange operations, as well as to produce the books and documents of your office for examination; also to prove that the bank's capital has been paid up according to law and that you are strictly obeying the provisions to operate, in order to facilitate the general supervision of the banks by this office according to the provisions of the Brazilian laws, and especially of the decrees of August 15, 1891 and February 5, 1892, numbered, respectively, 493 and 727."

Postal Service With France.

See "France" below.

BULGARIA.

New Industrial Decree.

The Official Gazette for September 28, 1920, published the following:

"All transfer of ownership of acquired mining concessions factories, perimeters (mining claims), and all other rights acquired in accordance with the law for the encouragement of local industy, including tobacco, alcohol distilleries, and breweries, is forbidden until further notice.

CHILE.

New Consular Fees.

According to the new law (No. 3648) of August 6, 1920, the consular fees will be increased 150 per cent as compared with those provided by law No. 2208 of October, 1909, which makes the present rate as follows:

For merchandise not over $200 in value	$5.00
For every $100 over $200 in value	$1.25
For bills of lading	$1.25
For letters of correction	$4.00
For extra copies (invoice and bill)	$1.25
For fractions of $100 in excess of $200 (when under $50-no charge)	$1.25

This law became effective October 15, 1920.

COSTA RICA.

Government Importation of Food Products.

When the price of food products, chiefly corn, beans, rice, butter, and salt, reaches a prohibitive level on the market the executive power is authorized to import them in sufficient quantities to put them on sale at a moderate profit.

CUBA.

Terms of Moratorium.

The President declared extention of moratorium on November 30th.

The terms of the moratorium state that drafts, notes, bills of exchange, obligations, orders, and other documents of credit wihch are due or may become due up to December 31 will not be collectible until that date. The same extension is granted for transferable mortgage credits or deeds of trust which may be due previous to December 31. Only 10 per cent on checking accounts and 12 per cent on saving deposits below $2,000 can be drawn by depositors. However, necessary sums to pay customs, duties, taxes, fiscal revenues, and other taxes imposed by the municipality or the province may be drawn against the creditor's current accounts.

CZECHOSLOVAKIA.

Regulation on Foreign Banks.

In accordance with the provisions of the act of April 15, 1920, forbidding foreign stock companies except those that had been engaged in business here on or before October 28, 1918, to engage in the banking business and establish branches in the Czecho-Slovak Republic, the ministry of finance has prepared rules and regulations relating thereto.

Any foreign company which already on October 28, 1918 (the day the republican form of government was adopted), had its branches in the territory of the Republic and was properly entered in the commercial register is permitted to continue in business, provided that within four weeks from the publication of the ministry's notice such company makes application for permission to do business and proves at the same time that it has an established office in the Republic,

is actually engaged in business, and binds itself to observe all lawful directions, and further provided that it appoints a local body of three members clothed with full powers to represent and act for the company. Companies complying with these provisions are practically put on the same level as domestic companies. It must be established, however, that their home governments extend the same privileges to Czecho-Slovak companies. Every foreign company must furnish its branches such working capital as the extent of their business demands. This capital must be retained in the Republic

Upon the expiration of the terms for which permission to do business was granted the right to do business may be extended for a certain period, not less than five years, upon compliance with the provisions of the law.

DANZIG.

New Polish-Danzig Food Agreement.

In April, 1920, a food agreement was signed between Poland and Danzig which governed food exchanges up to the new crop. The deliveries for food have been contracted for the quarter ending November 30, 1920.

The main features of the new food convention are as follows:—

Poland delivers to Danzig sufficient quantities of grain or flour to insure, together with the Free City's own crop, a daily bread ration of 200 grams per head. Poland will further deliver an additional ration which the Free City may distribute as it sees fit. In all, Poland will deliver 2,800 metric tons (metric ton equals 2,204 pounds) of flour per month at a price based on the Danzig maxium price plus Polish costs of delivery. Payment is to be made only in German currency.

Poland agrees to deliver from Pommerellen 66 per cent of the potatoes needed by the Free City for human food, feeding stock, and distilling. Danzig can also obtain from Pommerellen milk and eggs as theretofore, as well as the necessary quantities of fruit and vegetables.

Fishermen will be permitted to bring their catch direct to the Danzig market and to fish in the waters of both parties. Each party will provide its fishermen with certificates which are to be recognized by the other party.

In consideration of the product furnished Danzig, Poland demands that Danzig's surplus foodstuffs, consisting chiefly of wheat and leguminous products, be first offered to Poland. A further condition stipulated by Poland is that Danzig maintain official administration and distribution of the most important food products.

In the case of most foodstuffs deliveries are to be made from one State to the other, and the intervention of private firms is allowed only exceptionally. as in the case of potatoes. Delivery is made by Poland at the Danzig frontier, from which point freight and other expenses are for the account of the Free City, which also must provide the necessary cars.

FINLAND.

Removal of Restrictions on Foreign Exchange.

On October 29, 1920, the Government removed the restrictions on foreign exchange. Bonds payable in foreign currency can not, however, be exported without license and all transactions in foreign currency must be effected through banks or bankers under Government control.

FRANCE.

New Prices for Coke.

"Le Journal Officiel" of October 6, publishes a decision of the Minister of Public Works fixing at 172 francs a ton, on the wagon at the mine or frontiers, the price of coke manufactured in France or imported from Germany by land and intended for the French blast furnaces. Coke employed for other purposes, no matter what its origin, is fixed at 275 francs per ton on the car at the mine, frontier, or French port.

Postal Service with Brazil.

A decree of August 13, 1920, provides for postal service between France and Brazil to be operated by the South Atlantic Navigation Co., under the supervision of the French Ministry of Public Works. Two forms of transportation will be inaugurated: Fast mail boats, all first class, making the trip between Bordeaux, Vigo, Lisbon, Rio de Janeiro, Montevideo, Buenos Aires, and return every two weeks; and mixed-cargo boats making one round trip a month and touching at Bordeaux, La Corogne, Oporto, Lisbon, Dakar Pernambuco, Rio de Janeiro, Santos, Montevideo, and Buenos Aires. Boats must be held at Bordeaux for the Paris mail, but the delay should not exceeds 12 hours.

GEORGIA.

Foreign Exchange Regulations.

Regulations have been issued by the government prohibiting firms or institutions from possessing, selling, purchasing, or loaning foreign currency or credits or conducting any other transactions having to do with foreign currency or credits, unless business is transacted through the State Bank or other licensed institutions. With the exception of Russian credit drafts, the export and transfer of foreign currency are forbidden. Six months in prison is the penalty for firms or individuals found with foreign money or paper in their possession. The rate fixed by the government must be used if the State Bank and institutions that are licensed to deal in foreign exchange wish to operate.

GREAT BRITAIN.

Restrictions Against Alien Shareholders Abolished.

The regulation in force provided that a person should not, without the consent of the (Government) Board of Trade transfer or agree to transfer to or for the benefit of an alien or a foreign controlled company any interest in the following described undertakings and properties:

1) Any mine, wherever situated, from which any ores of the following metals are extracted that is to say, copper, lead, tin, tungsten, zinc, or any other metal which may hereafter be added by order of the Board of Trade.

2) Any oil field.

3) Any business, factory, or undertaking situate in Norway, Sweden, Denmark, Russia, Holland, Spain or Switzerland which is engaged in or used for the manufacture, treatment, production, or supply of any article or commodity which is declared for the time being to be contraband, either absolute or conditional, or which is required or used for the manufacture, treatment, or production of any article or commodity so declared.

The regulation continued in effect until October 13, when an Order in Council was issued expressly revoking regulation 30BB, which was the number under which the above described prohibition appeared.

Maximum Prices for Canned Salmon.

The following official statement from the Food Controller embodies the revised canned salmon prices which came into force in the United Kingdom on October 7, 1920:—

1 pound talls and 1 pound flats, 96s. per case of 48 tins, or 2s. 2½d. per tin; 1 pound ovals, 103s. per case of 48 tins, or 2s. 4d. per tin; ½ pound flats, 103s. per case of 96 tins, or 1s. 6d. per tin.

Maximum Wholesale Price for Apples.

After December 31, the sale of imported apples in England must be through a broker registered by the Food Ministry. Importers desiring to sell their own apples are entitled to be registered as brokers on application V, Division of Food Ministry. The maximum wholesale prices for apples effective from November 15 are: For Canadian and United States apples, barrels not less than 120 lbs. 68 shillings, 64 shillings, and 53 shillings for sound, slack, and wasty grades, respectively in cases not less than 37 pounds, Canadian, United States and Australian apples, 21 shillings and 6 pence, 20 shillings and 3 pence, and 17 shillings, respectively; for Canadian, United States. and Australian apples, cases not less than 40 pounds, 23 shillings and 6 pence 22 shillings and 2 pence, and 18 shillings and 6 pence, respective grades. Any variety otherwise than in above packages 60 shillings per hundredweight.

Precautions Against Cattle Plague.

The Ministry of Agriculture and Fisheries announces that owing to the appearance of Cattle Plague or Rinderpest in Belgium, an Order will come into effect immediately by which cattle, sheep, goats and swine from Belgium will not be permitted to enter British ports in future, whether as ships' stores or otherwise. Similar restrictions also apply to the aforementioned animals when carried on vessels touching at Belgian ports en route to Great Britain, irrespective of whether the animals were actually shipped at a Belgian port or not.

Prices for Imported Flour.

The Royal Commission on Wheat Supplies have prescribed new maximum prices for imported flour under clause 6 of the Flour and Bread (Prices) Order, 1920, to take effect

on and after September 19, 1920, and until further notice. The maximum price on the occasion of a sale by wholesale of imported flour will be at the rate of 88s. 3d. per 280 pounds ex store, net cash for settlement within 28 days from date of invoice, or subject to discount of 1s. per 290 pounds for settlement within 7 days, or 8d. per 280 pounds within 14 days. or 4d. per 280 pounds within 21 days. The maximum prices for damaged imported flour sold under any conditions will be at the rate of 83s. 6d. per 280 pounds.

Maximum Prices For Eggs.

The effect of the order is to bring into force again the Eggs (Prices) Order, 1919, the following schedule being substituted for the previous one:—

	First Column (Maximum Wholesale price). At the rate of per doz.		Second Column (Maximum Retail price). At the rate of per doz.	
Description of eggs	s.	d.	s.	d.
Fresh eggs	5	4	6	0
Imported fresh eggs	5	4	6	0
Preserved eggs	4	4	5	0
Chinese eggs	3	7	4	0
Small eggs	2	8	3	0

Price of Flour. Bread and Bacon.

Since November 8th, the importers' controlled selling price of Canadian bacon had been advanced to 225 s. per cwt.

The Food Controller announced on October 5th that after October 17th the retail prices of bread and flour would be decontrolled.

GREECE.

Restrictions on Exchange Removed.

The restrictions on transactions in foreign exchange have been removed.

New Exchange Rate in Thrace.

Authorities in Thrace on October 1 established an effective exchange rate of 7 drachmae to the turkish pound for all transactions.

ITALY.

Revision of Restrictions.

Before its adjournment the Italian Chamber of Deputies approved the new measures proposed by the Ministry with regard to regulation of trade.

A provision stipulates that within three months from the date of the law the list of commodities whose importation or exportation is subject to restriction shall be revised and a number of such commodities reduced.

The special Government offices which have been maintained in connection with the supply and distribution of newsprint paper wool, cotton, and other textile materials, will be abolished, and the stocks of these goods which are on hand will be turned over to the consortiums or cooperative associations, by which their liquidation will be brought about under regulations established by the Government. The office controlling the manufacture and distribution of "national" shoes will also be given up.

The regulations considered necessary to assure a regular supply of newsprint to the press and to prevent the cornering of the market will be issued by the Ministry of Industry and Commerce, which, however will not continue to exercise the direct control which it has been exercising over production.

JAMAICA.

Requisition of Sugar.

The food controller has issued an order under date of August 10, 1920, requisitioning 12 per cent of the total quantity of sugar manufactured by all sugar estates from November 1, 1920 to October 31, 1921, inclusive.

The requisition of 8 per cent for the crop year 1920 only realized 3,750 tons, while it is estimated that the requisition of 12 per cent for 1921 should yield 4,509 tons.

Law Governing Foreign Banks.

The Governor of Jamica approved a law providing that no alien shall commence or carry on any banking business in the colony unless he has a license from the Governor in Privy Council authorizing him to do so.

Licenses under this law are to privide for such payments by the person holding the license and are to be in such form and for such period and shall be subject to such rules, regulations and restrictions as the Governor in Privy Council shall in each case in his absolute discretion think fit.

The law also provides that the governor in privy council may, if he thinks fit, without assigning a reason, refuse an application for a license.

Expiration of Commercial Traveler Taxation.

The law providing for a special tax on commercial travelers expired on March 31, 1920, and has not been renewed. Commercial travelers are not now subject to any special tax in Jamaica.

JUGOSLAVIA.

Prohibition on the Opening of Credits Abroad.

The Ministry of Finance has issued the following decree under date of August 10, 1920:

No bank nor enterprise can open a credit abroad without previously obtaining the authorization of the Minister of Finance. Infraction of this decision will be punished by a heavy fine or by the dismissal of the functionary involved.

The Commercial Agreement with Austria.

See "Austria" above.

MEXICO.

Establishment of Free Ports.

The local press in Mexico published on October 12, 1920, an executive decree establishing free port at Salina Cruz, Puerto Mexico, and Guaymas. The Department of Hacienda is charged with the execution of this decree.

PARAGUAY.

Government to Issue Currency.

The Senate and House of Deputies on September 8, passed the following Act, which had been presented by the President of the Republic:

Article 1. The exchange office is authorized to make an emission of legal currency up to the amount of 30,000,000 pesos, to be used only and exclusively to grant loans to the banks of this capital in the form expresed by this law.

Article 2. The loans shall be granted by the board of directors of the exchange office under the folowing conditions: They shall not exceed a period of six months; they shall pay interest at the rate of 12 per cent per annum, and shall be guaranteed by the assets of the banks. The amount of the loans shall not exceed 50 per cent of the value of the documents accepted as security by the exchange office.

Art. 3. The State shall have rights over all the property of the debtor bank in security for loans authorized in virtue of this law.

Art. 4. The loans shall be made in such a manner that thev can be paid off within a period of one year, counting from the date when the office begins the operations authorized by this law.

Art. 5. When the notes loaned for a fixed period have been repaid, as referred to in the preceeding article, the exchange office shall proceed immediately to the complete destruction of them by burning.

Arts. 6-8. The interests on the credits authorized by the exchange office in accordance with this law shall become part of the funds of that institution. To comply with the provisions of this law, the amount of notes at present in possession of the exchange office for exchange purposes will be used. The exchange office shall be permitted to apply its present resources in paper currency for the fulfillment of these provisions of this law.

Declaration of Moratorium.

Law passed by Congress on November 11, 1920 proclaims 60 days provisional moratorium on all civil commercial banking obligations.

PERSIA.

Commercial Treaties with Caucasus.

It is announced that the Persian Commission to the Caucasus has succeeded in making a commercial agreement with the newly organized governments there dealing with important questions of commerce and providing especially for the free transit of goods.

PERU.

New Issue of Paper Money.

The Peruvian Government has granted permission to the Junta de Vigilancia to issue 1,000,000 Peruvian pounds (approximately $5,000,000) of paper money, which is entire

guaranteed and covered by gold deposited by the various Lima banks. The new issue is as follows: 300,000 pounds ($1,500,000) of 5 pound ($25) denomination; 400,000 pounds ($2,000,000) of 1 pound ($5) denomination; and 300,000 pounds ($1,500,000) of 5 soles or ½ Peruvian pound ($2.50) denomination.

POLAND.

Use of Codes in Commercial Correspondence.

Permission has been received from the Polish Government for the use of codes in commercial correspondence. Police authorities have been provided with copies of leading American commercial codes.

New Regulation for Foreign Exchange.

The Polish Ministry of Finance wishes to advise all interested institutions and organizations that in view of the recent organization of the Commission for the Regulation of Foreign Exchange in Warsaw, remittances to Poland may be forwarded in Polish marks.

New Polish-Danzig Food Agrement.

See "Danzig" above.

SALVADOR.

Commercial Traveler Regulations.

"El Diario Oficial" of San Salvador for August 9, 1920, contained an order regarding the treatment of samples of commercial travelers upon their entry at the ports of Salvador. The regulations are as follows:

All samples having commercial value shall be free from taxes. To be considered as such, said samples must be marked sealed, or defaced in such a manner that they can not be used for other purposes. The samples having commercial value shall be admitted provisionally, with previous guaranty or actual deposit for the total taxes, and the samples not re-exported shall pay taxes and duties in accordance with the law. Those selling samples of commercial value directly to the consumer shall not be designated as traveling salesmen. The customhouse administrators shall notify the Ministry of Finance of the names of the salesmen arriving in the country, with the principal kind of samples imported. This notice must be given immediately on verification of the registration.

Law on Exploitation of Petroleum Mines.

Following is the translation of an article published in "El Diario Oficial" of San Salvador of August 17, 1920:

In view of the world-wide importance of petroleum and of the fact that our mining laws in force are not adapted to the modern exploitation of the hydro-carbons in general, and in order to protect the development of this natural wealth which may exist in our lands, the National Legislative Assembly of the Republic of El Salvador, in use of its constitutional powers, decrees:

Article 1. The exploration of the petroleum mines and the exploitation of same and the industries which are derived therefrom and are annexed shall be subject to special concessions which the executive power shall authorize in each case as best suits the national interest.

2. The executive power can not, however, authorize concessions to foreign persons or companies other than under the following conditions:

a) They must obligate themselves to be subject to the laws in general and specially to the mining ones of El Salvador, and not to resort to the intervention of the governments to which they belong in any way concerning concessions and mining exploitation, without having first exhausted in each case the resources which are provided by said law in matters discussed or pending.

(b) They must establish their domicile in the capital of the Republic and have legal representation thereat.

Art. 3. No concessionaire can transfer his concession to third persons or companies without the consent of the executive power, who can not concede it in acticipation in the concession nor by former instrument, in a general manner, but definitely and seeing to it that the concessionaire fulfill the conditions required in the foregoing article.

Art. 4. The failure of complying with the obligations contracted in virtue of the concession of the executive, the same as the violation of the mining laws on the part of the concessionaire, when these carry that provision, cancel the concession and shall subject the concessionaire to that provided for in cases of cancellation of mining concessions.

SWEDEN.

End of the Flour Monopoly.

The flour monopoly in Sweden, "Sveriges Forenade Kvarnintressentar", having been dissolved on August 31, commerce in flour and cereals is entirely free and no regulations governing prices exist.

TURKEY.

Circulation of the Drachmae in Smyrna.

The commander in chief of the Greek military forces in Asia Minor, who also acts as the general military governor of the Independent Smyrna District, issued a proclamation on August 5, 1920 modifying protocol No. 220, dated July 25, 1920, relative to the obligatory circulation of the drachmae as follows:

(A) The order in question is valid without any restriction for payments effected by officers or soldiers of the Greek Army or of the Royal Navy for their personal needs as well as for payments made by the military authorities for supplies of every description and for services rendered to the army and navy, regardless of the kind of money in which values have been computed.

(B) For payments not falling under the preceding categories the following will hold good:

(1) Our order for the obligatory circulation of the drachmae not valid with regard to the payment of obligations incured prior to the order in question dated July 25, 1920. But with regard to payments for personal property and real estate which have been used after the above date the order is applicable despite the fact that the original convention was entered into prior to the date of that order.

(2) The order is not applicable with regard to money brokers or bankers buying from individual mechants, or even from military men, drachmae in exchange for other money in paper or specie.

(3) The order is not applicable with regard to bank loans to merchants or other concluded in paper piasters or paper pounds. In this case the debtor must pay the loan in the Turkish paper money agreed on. Also with regard to deposits with banks or merchants, or without interest, the latter must return the deposits in the money agreed on.

(4) The order does not apply to every commercial transaction between merchants or other persons having the character of a merchant if it has been formally concluded that the payment is to be made either immediately or in the terms of Turkish paper money. The same will hold good with regard to individuals who, although not merchants by profession, enter into commercial or exchange transactions and for which transactions they shall have agreed to pay in Turkish paper money.

(5) The preceding order is valid from the date of the first order, of which it is simply an explanation.

UNITED STATES OF AMERICA.

General Enemy Trade License Amended.

The War Trade Board Section of the Department of State announces that the general enemy trade license described in W. T. B. R. 845, issued July 8, 1920 as now amended authorized all persons in the United States, on and after October 2, 1920 to trade and communicate with all persons with whom trade and communication is prohibited by the Trading with the Enemy Act; subject, however, to the following specific limitations and exceptions, to wit:

1. The above mentioned general license does not affect existing export and import regulations of the War Trade Board Section or regulations which may be promulgated hereafter.

2. The above mentioned general license does not authorize any trade with respect to any property which heretofore, pursuant to the provisions of the Trading with the Enemy Act as amended, has been reported to the Alien Property Custodian or should have been so reported to him, or any property which heretofore pursuant to the provisions of said act, the Alien Property Custodian has seized or has required to be conveyed, transferred, assigned, delivered, or paid over to him, provided, however, that nothing contained in this paragraph 2 shall be held to prohibit communications which constitute merely inquiries or information concerning the property hereinabove described, or to prohibit trade with respect to any property which the Alien Property Custodian has stated in writing he would not seize or require to be conveyed, transferred, assigned, delivered, or paid over to him, such communications and trade with respect to the property described in this provision being fully authorized by the general enemy trade license hereinabove referred to; and provided further, that nothing in this paragraph shall be construed to prohibit trade and communication with respect to money or other property which has been or shall be paid, conveyed, transferred, assigned, or delivered under the provisions of the Act of Congress approved June 5, 1920.

Money Orders to Italy.

According to information received from the Third Postmaster General, on or after December 15 all money orders issued in the United States, payable in Italy, will be expressed in dollars and cents and converted in Italy on the day of receipt at the current exchange rate of that day into lire by the exchange office of Italy.

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WE MUST understand that the ties of trade bind nations in closest intimacy, and none may receive except as he gives. We have not strengthened ours in accordance with our resources or our genius, notably on our own continent, where a galaxy of republics reflect the glory of the world democracy, but in the new order of finance and trade we mean to promote enlarged activities," said President Harding in his inaugural address.

Precisely identical considerations prompted us to start a year ago the publication of this journal, thus placing the American manufacturers and merchants, so far as the legal and tariff information goes, on an equal footing with their rivals overseas.

* * * * *

The Torriente Law No. 2 passed by Cuba, while offering a solution to the problem of gradual removal of the present moratorium, hardly renders the desired relief to the American firms, supposed to have tied up in Habana something between three and four hundred millions. The installments to be paid to the various creditors are spread over the period of one year from the date of the Commission's decree suspending the payments, the first payment to be made within three months thereof. The lesson is self evident—if Americans wont give long term credits voluntarily, they will be forced to accept deferred payments by foreign legislation. The Edge act strived to prevent this calamity and our inactivity in applying it is now beginning to bear fruit.

* * * * *

The set of Imperial Preference Regulations in Great Britain reprinted in the present issue is worthy of close study by every student of international economics.

The stratagem is very ingenious. While Great Britain remains nominally a free trade country, a tariff wall is created barring foreign products from all the British colonies and dependencies. And when the vastness of the British Empire and the additional areas indirectly controlled by it are taken into account, it would mean that the better half of the globe is reserved to the manufacturers of the Mother country to the practical exclusion of the products of other nations.

However, there is a reverse to this picture. The raw products imported into the United Kingdom are entitled to a preference also. And since the British Empire produces in large quantities nearly every conceivable raw product, the British market will call for lesser and lesser quantities of raw materials from Europe, Asia and South America. And if the independent countries of these continents will sell less to Great Britain, they will consequently buy there less. With the proper financial backing there is an enormous opportunity for competitors to counteract the effect of this new customs policy of the British Empire.

* * * * *

The end of the eighteenth century witnessed the enunciation of human equality before the law, subsequently established in civilized countries. It looks as if the twentieth century will see the inauguration of the economic equality as a new pillar of our social order.

While one swallow does not make a summer, this issue has an interesting piece of legislation coming from Czechoslovakia. Graduated schedules of passport fees are provided by new regulations—persons of smaller means being obliged to pay less for the right to travel abroad than those more favored by fortune. An enterprising mind might well speculate on the long series of amendments to our constitution to make it really up to date, granted that this law is a sign of our times!

* * * * *

The Congressional Committee investigating Russian trade possibilities should take notice of the item in this issue dealing with the decree on foreign concessions in that country. Taken literally, it seems to provide every safeguard that a most exacting and particularly cautious trader may require. Of course, whether a government may be trusted as to its promises is a matter of politics and does not concern us. However, trying to be impartial, we must say that the present government of Russia made an honest attempt to execute even such a piece of iniquity as the Brest-Litovsk treaty with Germany. Moreover, the practicability of the decree's application is again a matter which every individual trader is able safely to determine and put to test in each and every commercial transaction of his with Russia, provided that usual safeguards are adopted necessary in the cases of this kind.

* * * * *

The export legislation continues to preserve its main features. Manufacturing countries, particularly England and France and in a lesser degree Italy, are trying to remove as many export restrictions as possible in order to bolster up the unfavorable trade balances and raise the rate on their foreign exchange. The raw material producing countries, on the contrary, are still keeping up export duties, though there are many reductions and even cancellations, notably by Argentina and Brazil and other Latin American states. While we are yet very far from normalcy, the economic trend unmistakably points to a return to pre-war levels.

* * * * *

The import tendencies are just the opposite. New duties, increase of old duties and fresh embargoes characterize the activities of principal European countries. Great Britain continues its policy of relaxing control of foodstuffs. Tariff revisions took place in Japan and her province of Chosen. Prohibitions on import of luxuries were issued by Norway, France, Georgia and Latvia. Australia and Rumania ruled that values of imported goods shall be calculated at the current rate of exchange, which will affect the countries with appreciated exchange adversely. Several nations (Bolivia, Palestine, India) have decreased their duties for goods deemed necessary.

The import field, therefore, remains more under the influence of abnormal conditions than its brother export.

BRITISH PREFERENTIAL CUSTOMS DUTIES.

Notice No. 27A—August 23rd, 1920.

1. With a view to conferring a preference in the case of Empire products, the duties of customs on the goods specified in the schedule are charged at the reduced rates shown therein, provided the goods are shown to the satisfaction of the Commissioners of Customs and Excise to have been (1) consigned from, and (2) grown, produced, or manufactured in, the British Empire. The "British Empire" for this purpose means all British Dominons outside Great Britain and Ireland including British India and Indian native states and all British protectorates. Any territories which may hereafter come under His Majesty's protection, or in respect of which a mandate of the League of Nations may be exercised by the Government of any part of His Majesty's Dominions, may be included by Order in Council.

2. Goods are not deemed to have been manufactured in the British Empire unless such proportion of their value as is prescribed by regulations made by the Board of Trade is the result of labor within the British Empire. This proportion has for the present been fixed at 25 per cent of the factory or works cost to the manufacturer for all manufactured articles except manufactured tobacco, refined sugar, molasses, and extracts from sugar, for which the proportion is fixed at 5 per cent.

Each article is to be considered separately in applying the percentage test. The total value of an atricle shall be its cost to the manufacturer at the factory or works and shall include the value of containers and other forms of interior packing ordinarily sold with the article when it is sold retail, but shall not include the manufacturer's or exporter's profit or the cost of exterior packing, carriage to port and other charges incidental to the export of the goods subsequent to their manufacture.

In calculating the proportion of value which is the result of labor within the British Empire there may be included under the head of labor the cost to the manufacturer, as here defined, of any materials of purely Empire origin entering into the composition of the article.

When manufactured goods are not liable to duty in themselves, but only in respect of the dutiable ingredient or ingredients they contain, preference can only be granted in respect of such of the ingredients as themselves satisfy the requisite conditions.

3. Where the Board of Trade is satisfied as respects any class of goods to which the preferential rates apply that those articles are to a considerable extent manufactured in the British Empire from material which is not wholly grown or produced in the Empire, the Board may by order direct that the preferential rate shall be charged only in respect of such proportion of those goods as corresponds to the proportion of dutiable material used in their manufacture which is shown to have been grown or produced in the Empire.

This provision has been applied by Order of the Board of Trade to manufactured tobacco, refined sugar, molasses and extracts from sugar, e. g. syrup.

4. The dutiable articles which for the purpose of charging the preferential rate are considered as manufactured articles are:—

Refined sugar; glucose; molasses and extracts from sugar (e. g. syrup); saccharin; manufactured tobacco; cinematograph films; motor cars, parts, accessories, etc; musical instruments, parts, accessories, etc; clocks, watches, etc.

All other dutiable goods are regarded as growth or produce. The term refined sugar means sugar which has passed through a refinery.

5. Where goods are manufactured in a bonded factory in Great Britain or Ireland from dutiable material shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from, and grown or produced in, the British Empire, the duty on the manufactured goods shall, to the extent to which they are shown to have been manufactured out of such material, be charged at the preferential rate.

This provision applies to sugar refiners and tobacco manufacturers who work in bond.

6. The preferential rate of duty must be claimed by the importer at the time of making entry. He is required in every case to substantiate the declarations on the entry that the goods were (1) consigned to the United Kingdom from, and (2) the growth, produce and manufacture of, a part of the British Empire, by means of a certificate of origin in the approved form. He must also, if called upon to do so by the Collector of Customs and Excise, produce any other evidence of origin, such as the supplier's invoice, bill of lading ,etc.

The term supplier means any person who, though not being the grower or producer, is the actual overseas owner of the goods at the time of export to the United Kingdom, provided he has the requisite knowledge of the facts.

7. Certificates of origin are in three prescribed forms. Each form comprises two separate certificates. viz:—

(1) A certificate that the dutiable articles in respect of which preference is claimed are the growth or produce (Form D.) or the manufacture or refining (Forms E. and F) of a specified county in the British Empire. This certificate must be given, as regards Form D. by the overseas grower, producer or supplier, and as regards Form E by the overseas manufacturer. In the case of refined sugar, molasses and extacts from sugar, or manufactured tobacco, the amplified certificate (Form F), giving aslo the proportion of Empire-produced dutiable material, must be given by the overseas manufacturer or refiner.

Where, owing to local trade conditions, it is impracticable for certificates of origin in form D to be signed by the up-country growers or producers there is no objection to the certificates being signed by their accredited agents in the country of origin having the necessary knowledge of the facts, provided that (1) the certificate clearly shows that the agent is authorized to sign on behalf of the grower or producer, and (2) the certificate is a personal one signed by a responsible member of the issuing firm. This concession does not extend to agents for suppliers, nor to agents acting merely as carrying agents.

(2.) A supplementary certificate to be given by the actual exporter in cases where the grower, producer, manufacturer, refiner or supplier, who furnishes certificates D. E. or F. is not himself or by his agent the actual exporter, and is not in a position to give the particulars of shipment, destination and consignee required to render the main certificate complete. This supplementary certificate is not, however, required to be given on Forms D. E. and F. when the latter are given in conjunction only with Form FF, in which case its place is taken by a similar supplementary certificate on Form FF.

8. An additional form of certificate (Form FF) is required in conjunction with Forms D. E. or F where the dutiable article in respect of which preference is claimed is an ingredient only of a complete composite article, and the latter therefore is liable to duty only by reason of containing the dutiable ingredient. This additional certificate is to be given by the overseas manufacturer of the composite goods, as evidence that the dutiable articles, in respect of which preference is claimed and Certificate D. E. or F has been furnished by the grower, etc., have been used in

the manufacture of the composite goods. Certificate E is not required from the manufacturer of the composite goods, as they are not duitable not entitled to preference in themselves but only by virtue of the dutiable ingredients they contain. The following examples are given by way of illustration. Manufactured cocoa powder is chargeable to duty in respect of the raw cocoa it contains, and certificate FF should be given by the manufacturer, supported by Certificate D given by the grower, producer or supplier of the raw cocao. Chocolate confectionery is chargeable in respect of the raw cocoa and the quantity of each such ingredient used in the composite goods is covered by a certificate D. E or F. If, however, any one dutiable ingredient comprises a proportion covered by a certificate D. E. or F. and entitled to preference and a portion not so covered or entitled a separate certificate FF must be given for such ingredient, showing the percentage thereof covered by the certificate D. E. or F. The preferential reduction of duty be regulated accordingly.

11. If the collector is satisfied by the production of the certificate or certificates he will forthwith admit the goods to entry as entitled to the preferential rate. The collector may, in any case of doubt or of an incomplete or informal certificate, call for the production of invoices, bills of lading, or any such further evidence as he may require, but pending the production of such evidence he may, unless he has reason to suspect an attempt at fraud, allow delivery of the goods on deposit of the full rate of duty, subject to adjustment, provided satisfactory evidence of the title to the preferential rate is produced without undue delay. In the case of goods entered to be warehoused, the collector may allow the goods to be deposited in warehouse pending settlement of the rate of duty to which they may be decided to be liable.

12. The preferential rates apply in the case of dutiable goods entered for warehousing, or already in bond, before September 1, 1919 (in the case of tea before June 2, 1919), and the particulars of consignment and origin as recorded in the official accounts are usually accepted. The same rule is applied in respect of Empire and non-Empire goods blended or put together in bond before September 1, 1919. In the case of blends duty will be charged at preferential rates on the proportion of Empire goods shown to be contained therein. It must be understood that where the official records are not sufficient to establish the Empire consignment and origin the onus of proof in all cases rests by law on the importer.

13. In the case of Empire goods consigned to the United Kingdom which have been transshipped en route or have been shipped from a foreign port after overland transit from the Empire country of origin, the importer at the time of making entry will be required to produce the through bill of lading or railway consignment note from the country of production to the United Kingdom in support of the certificate of origin. Where a thorough bill of lading or consignment note is not available, the invoice, local bill of lading or consignment note from the original point or origin and certificate of arrival or landing at, and exportaton from, the port of transshipment will be required. Such certificates are to be signed by the proper colonial or foreign customs officer at the port of transshipment, and in the case of the latter the signature must be vised by the British consular authority. It is essential to prove that the goods were consigned from a part of the Empire to the United Kingdom, and not to a foreign country from which they were subsequently reconsigned to the United Kingdom.

14. In the case of post parcels arriving from a part of the Empire, if the contents are not merchandise for sale and do not exceed £10 in value for any one addressee, the following short form of certificate will, in the absence of ground for suspicion, be accepted as satisfactory evidence of origin for charging the preferential rate of duty, except in the case of manufactured tobacco, refined sugar, molasses and extracts from sugar:—

"The contents of this package are not merchandise for sale, and every dutiable article herein is the growth or produce, or, if a manufactured article, is to the extent of at least one-fourth of its present value bona fide the manufacture of (Empire country of origin)".

All other post parcels, including all parcels containing manufactured tobacco, refined sugar, molasses and extracts from sugar, etc., will be subjects to the ordinary rules of evidence of origin applicable to merchandise generally as set out above.

SCHEDULE OF PREFERENTIAL RATES.

Tea, Cocoa, Coffee, Chicory, Currants, Dried or preserved fruit (figs and fig cake, plums commonly called French plums and prunelloes, prunes, all other dried or preserved plums and raisins.) Sugar, Glucose, Molasses, Saccharine, Tobacco other than cigars. Five-sixths of the full rate.

Cigars,—Five sixths of the full rate per pound and two thirds of the additional ad valorem duty.

Articles chargeable with the new import duties imposed by S. 12 of the Finance (No. 2) Act, 1915, viz: Motor cars, etc., and parts thereof, musical instruments and parts thereof, clocks, watches, and parts thereof, and cinematograph films. Two thirds of the full rate.

Wine:—Not exceeding 30° of proof spirit—Sixty per cent of the full rate.

Exceeding 30° of proof spirit—Sixty six and two thirds per cent of the full rate.

Additional duty on sparkling wine in bottle. Seventy per cent of the full rate per gallon and two thirds of the additional ad valorem duty.

Additional duty on still wine in bottle—Fifty per cent of the full rate.

	Preferential Rates: in cask			in bottle		
Spirits—	£	s	d	£	s	d
For every gallon computed at proof of brandy or rum	3	12	10	3	13	10
Imitation rum or geneva	3	12	11	3	13	11
Unsweetened spirits other than those already enumerated—	3	12	11	3	12	11
For every gallon of perfumed spirits—	5	16	0	5	17	0
For every gallon of liqueurs, cordials, mixtures, and other preparations in bottle entered in such manner as to indicate that the strength is not to be tested—				4	19	1
For every gallon computed at proof of spirits of any description not heretofore mentioned, including naptha and methylic alcohol purified so as to be potable and mixtures and other preparations containing spirit—	3	12	11	3	13	11
For every gallon of sweetened spirits including liqueurs cordials, mixtures and other preparations containing spirits, if tested—	3	13	10¼	3	14	10¼

The above rates refer to spirits warehoused for three years or more. In the case of spirits warehoused for a shorter period, small additional duties are leviable. These are not affected by preference and are set out in full in the Imperial Customs.

ALIEN LAND LAW OF CALIFORNIA.

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this state.

Sec. 2. All aliens other than those mentioned in section one of this Act may aquire, possess, enjoy and transfer real property, or any interest therein in this state, in the manner and to the extent and for the purpose prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Sec. 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this state, in the manner and to the extent and for the purpose prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise. Hereafter all aliens other than those specified in section one hereof may become members of or acquire shares of stock in any company, association or corporation that is or may be authorized to acquire, possess, enjoy or convey agricultural land, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Sec. 4. Hereafter no alien mentiond in section two hereof and no company, association or corporation mentioned in section three hereof, may be appointed guardian of that portion of the estate of a minor which consists of property which such alien or such company, association or corporation is inhibited from acquiring, possessing enjoying or transferring by reason of the provisions of this act. The public administrator of the proper county, or any other competent person or corporation, may be appointed guardian of the estate of a minor citizen whose parents are ineligible to appointment under the provisions of this section.

On such notice to the guardian as the court may require, the superior court may remove the guardian of such an estate whenever it appears to the satisfaction of the court:

(a) That the guardian has failed to file the report required by the provisions of section five hereof; or

(b) That the property of the ward has not been or is not being administered with due regard to the primary interest of the ward; or

(c) That facts exist which would make the guardian ineligible to appointment in the first instance; or

(d) That facts establishing any other legal ground for removal exist.

Sec. 5. (a) The term "trustee" as used in this section means any person, company, association or corporation that as guardian trustee, attorney-in-fact or agent, or in any other capacity has the title, custody or control of property, or some interest therein, belong to an alien mentioned in section two hereof, or to the minor child of such an alien, if the property is of such a character that such alien is inhibited from acquiring, possessing, enjoying or transferring it.

(b) Annually on or before the thirty first day of January every such trustee must file in the office of the secretary of state of California and in the office of the county clerk of each county in which any of the property is situated, a verified written report showing:

1. The property, real or personal, held by him for or on behalf of such an alien or minor:

2. A statement showing the date when each item of such property came into his possession or control;

3. An itemized account of all expenditures, investments, rents, issues and profits in respect to the administration and control of such property with particular reference to holdings of corporate stock and leases, copping contracts and other agreements in respect to land and the handling or sale of products thereof.

c Ony person, company, asscociation or corporation that violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisoment in the county jail not exceeding one year or by both such fine and imprisonment.

d The provisions of this section are cumulative and are not intended to change the jurisdiction or the rules of practice of courts of justice.

Sec. 6. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee cannot take real property in this state or membership or shares of stock in a company, association, or corporation which, but for said provisions, said heir or devisee would take as such the court, instead of ordering a distribution of such property to such heir or devisee, shall order a sale of said property to be made in the manner provided by law for probate sales of property and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such property.

Sec. 7. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to, and become and remain the property of the State of California.

The attorney general or district attorney of the proper county shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section four hundred seventy-four of the Political Code and title eight, part three of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections two and three of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner. No alien, company, association or corporation mentioned in section two or section three hereof shall hold for a longer period than two years the possession of any agricultural land acquired in the enforcement of or in such satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

Sec. 8. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act, by any alien mentioned in section two of this act, shall escheat to the State of California. The attorney general or district attorney of the proper county shall institute proceedings to have such escheat adjudged and enforced as provided in section seven of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, and enter judgment for the state for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest, in the manner provided by section twelve hundred seventy one of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered for the state shall be paid into the state treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein. Any share of stock or the interest of any member in a company, association or corporation hereafter acquired in violation of the provisions of section three of this act shall escheat to the State of California. Such escheat shall be adjudged and enforced in the same manner as provided in this section for the escheat of a leasehold or other interest in real property less than the fee.

Sec. 9. Every transfer of real propery, or of an interest therein, though colorable in form, shall be void as to the state and the interest thereby conveyed or sought to be conveyed shall escheat to the state if the property interest involved is of such a character that an alien mentioned in section two hereof is inhibited from acquiring, possessing, enjoying or transferring it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein.

A prima facie presumption that the conveyance is made with such intent shall arise upon proof of any of the following groups of facts:

(a) The taking of the property in the name of a person other than the persons mentioned in section two hereof if the consideration is paid or agreed or understood to be paid by an alien mentined in section two hereof:

(b) The taking of the property in the name of a company, association or corporation, if the memberships or shares of stock therein held by aliens mentioned in section two hereof, together with the memberships or shares of stock held by others

but paid for or agreed or understood to be paid for by such aliens,, would amount to a majority of the membership or the issued capital stock of such company, association or corporation;

(c) The execution of a mortage in favor of an alien mentioned in section two hereof if said mortgagee is given possession. control or management of the property.

The enumeration in this section of certain presumptions shall not be so construed as to preclude other presumptions or interferences that reasonably may be made as to the existence of intent to prevent, evade or avoid escheat as provided for herein.

Sec. 10. If two or more persons conspire to effect a transfer of real property, or of an interest therein, in violation of the provisions hereof, they are punishable by imprisonment in the county jail or state penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both.

Sec. 11. Nothing in this act shall be construed as a limitation upon the power of the state to enact laws with respect to the acquisition, holding or disposal by aliens of real property in this state.

Sec. 12. All acts and parts of acts inconsistent or in conflict with the provisions hereof are hereby repealed; provided, that:

(a) This act shall not affect pending actions or proceedings but the same may be prosecuted and defended with the same effect as if this act had not been adopted;

(b) No cause of action arising under any law of this state shall be affected bv reason of the adoption of this act whether an action or proceedings has been instituted thereon at the time of the taking effect of this act or not and actions may be brought upon such causes in the same manner, under the same terms and conditions and with the same effect as if this act had not been adopted;

(c) This act in so far as it does not add to. take from or alter an existing law, shall be construed as a continuation thereof.

Sec. 13. The legislature may amend this act in furtherance of its purpose and to facilitate its operation.

Sec. 14. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The people hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

INCREASED IMPORT DUTIES IN SPAIN.

Effective December 1, 1920 the Spanish import duty on luxuries were increased from 50 to 200 per cent of the present rates.

The duties on the following commodities were increased 50 per cent:

(Items 200-301) fine cotton fabrics (item 333) linen. hemp. and ramie fabrics having in a square of 6 millimeters from 36 threads up: (item 346) nets of vegetable fiber, except cotton, for hunting and fishing,and netted hammocks of same fibers: (itme 378) astrakhans, plushes. and velvets, of wool or hair, pure or mixed: (item 425) wall paper and similar paper, on a frosted or lustrous foundation:: (itme 426) wall paper and similar paper. with ornaments of gold, silver, wood, or crystal: (item 495) chaimois leather and parchment: (item 496) varnished leather, all kinds: (item 585) animal-drawn carriages, not specified in the tariff: (item 589) automobile drays and carts, not specified: (item 590) wheelbarrows and animal-drawn carts and drays: (item 698) solid tires of rubber with metallic mounting; (item 708) lamps, chandeliers, and candelabra for lighting, also parts therefor, except glass chimneys, reservoirs and shades: (item 709) writing materials not specified, except those of gold and silver; (item 715) straw hats and caps; and (item 716) hats and caps of palm, rush, shavings and cardboard.

The following commodities are subject to an increase of 100 per cent in duty:

(Item 148) chinaware for table or other similar uses, with decoration in more than one color, painting, gilt rims, etc; (item 53) articles of common metals, gilt or silvered, etc., not specified; (item 163) table service etc. of copper or copper alloys, nickeled, gilt or silvered: (item 165) other articles of copper or copper alloy, ornamented or comprising parts composed of other materials except iron or steel; (item 334) velvets and plush of linen. hemp. or ramie, (item 371) fabrics of pure wool, etc., not specified, weighing per square meter 451 grams or more; (item 375) fabrics of wool etc., having all the warp or weft of cotton or other vegetable fiber, weighing per square meter 451 grams or more; (item 376) woolen or hair fabrics for tapestry, curtains, table covers, and counterpanes; (items 459-462) furniture, except of common wood; (item 464) cork in sheets, planks, and dust; (items 471, 472) furniture of reeds, canes, etc., (items 509, 510) articles of leather or covered with leather; (item 584) animal drawn passenger vehicles with six or more seats, not specified; (item 632) raisin, figs, and dates for the table; (item 652) wines not specified, in bottles; and (item 692) cases of common wood, wickerwork, cardboard, etc, for writing, sewing etc., fitted up or not.

On the following goods the duty was increased 150 per cent:

(Item 32) glass, crystal and half crystal, colored, cut, engraved, or decorated; (item 38) glass and crystal, silvered, nickled, or quicksilvered; (item 50) gold and platinum jewelry, with or without stones, or pearls; precious stones, pearls, etc., loose or mounted; (item138) pins and hairpins or iron or steel composed in part of other materials, except gold and silver; and (item 182) zinc in articles silvered, gilt, nickeled or coated with copper.

An increase of 200 per cent was made in the duty on the following goods:

(Item 7) marble, etc., in slabs, flags, etc, worked polished, etc; (item 39) glass beads, imitation precious stones, etc; (item 140) clasps, hooks, chains, etc, of iron or steel for personal use, (except gold or silver); (item 159) ornamented pins and hairpins of copper or coper alloy; (item161) clasps, hooks, chains, etc., of copper aloy; (items 260, 261) perfumery; (items 303, 304) cotton cords, velvets and plush fabrics of cotton; (item 311) cotton trimmings and ribons up to 5 centimeters wide; (item 335) lace of linen, hemp, etc. (item 334) trimmings, etc. of linen, hemp, etc. up to 5 centimeters wide; (items 361, 362 carpets of hair or wool, pure or mixed; item 364) felt of hair; (items 395, 400) silk fabrics, dyed or printed, of boiled silk, of floss silk, silk velvet, plush, tulles, lace and lace edgings; (item 402) velvet and plush of silk with cotton back; (item 403) silk fabrics with warp and woof of wool or hair; (item 404) silk fabrics with warp or weft or cotton, or other vegetable fiber; (item 505-508) leather gloves, boots, and shoes, trunks, bags, etc., harness and trappings for riding or driving; (items 511, 512) ornamental feathers, etc., raw or prepared for ornaments, (item 527) optical apparatus and instruments for scientific observation; (item 537) phonographs, etc., parts thereof, and cylinders and disks for same; (item 575) velocipedes, bicycles, and motor cycles; (items 579, 580) chassis of iron or steel for ordinary road carriages, with or without motor; (items 582, 583) animal drawn berlins and coaches; (items 586, 587) automobiles; (items 616, 617) oysters; (items 646) liquors, cognac, and other compound spirits; (item 648) sparkling wines; (item 660) chocolate; (item 661) sweetmeats, fine biscuits, confectionary, etc., (items 674, 675, 677 and 678) manufactures of amber, jet, tortoise-shell, coral, ivory, mother of pearl, horn, whalebone, celluloid, meerschaum, ebonite, bone and composition; (items 681-683) buttons studs, and links; (item 686) brushes with backs or handles of wood, with incrustations, except of gold or silver; (item 688) blank cartridges; (item 691) cases of fine wood, leather, and similar materials for writing, sewing, etc; (item 693) artificial flowers and leaves of cloth natural leaves, and flowers painted or prepared, and parts thereof; (item 699) rubber tires and inner tubes for carriages and other vehicles; (item 702) rubber fabrics made into clothing; (item 707) toys and games, except of ivory, shell, mother of pearl, gold. or silver; (items 710. 711) umbrellas; and (item 718) trimmed hats and caps of all kinds.

Goods which arrive at Spanish ports on direct bills of lading in a ship whose manifest was certified before November 28, are not subject to the increased duties.

TRADE AGREEMENT BETWEEN CZECHO-SLOVAKIA AND YUGOSLAVIA.

Under the terms of the new trade agreement between Czechoslovakia and Yugoslavia, which has lately been negotiated in Prague, Czechoslovakia will receive large quantities of necessary foodstuffs, iron ore, and raw materials, and will give in return coal, manufactured goods, and sugar.

The special clauses of the treaty provide that Yugoslavia shall deliver 60,000 metric tons (metric ton-2204 pounds) of wheat and, in case there is a sufficient supply of railway wagons, an additional 30,000 metric tons. Of minerals it is to ship 100,000 metric tons of iron ore and 6000 of manganese ore, pyrite, zinc dust, and lead. Of animal food it will send 3000 metric tons of lard, 1000 of dried meat, and 100 of bacon. Yugoslavia is further to supply 150 metric tons of kid and lamb hides. bones, slaughterhouse offal, rice straw, hardwood ,and soda. Czecho-

slovakia, in turn agrees to ship 25000 metric tons of sugar, 32,000 of coke, 15000 of coal for locomotives, 12000 of black stone coal, 3000 of coal for steamships, and stated quantities of pig and wrought iron, sheet iron, railway parts and material for construction and repair, as well as many kinds of agricultural implements, such as grub hoes, scythes, axes, plows, lathes, mining tools etc. The agreement further specifies 5200 tons of window glass; 22000 tons of print, office and wrapping paper; 4000 tons of roofing paper; earthen and ceramic building materials; uppers and soles for shoes; carpets, chemicals, laboratory equipment, and textiles.

The general clauses of the treaty relate to such matters as the exchange and method of payment. According to the present arrangement, payment is ordinarily to be made in the currency of the purchasing nation, but by special agreement the currency of the selling nation or even a third nation may be used. Both nations are allowed to buy freely when and where they like. They bind themselves, however, to facilitate transport between Czechoslovakia and Yugoslavia and to return empty casks and containers with dispatch.

The treaty goes into force as soon as it is ratified by the two nations and its binding up to June 30, 1921. Alterations may be made at any time, with the full consent of both parties. In case no notice is given by March 31, 1921 or a desire of either nation to terminate the treaty at the time of its official expiration on June 30, it shall continue in force for an additional three months, viz, up to September 30, 1921.

REGULATIONS FOR CONCESSIONS IN RUSSIA.

The Council of People's Commissioners has decreed on November 23, 1920 to make public the following economic and political regulations governing the grant of concessions:

1. Concessionaires shall be permitted to take part in the manufacturing industries with the right to export such part of their production abroad as shall be provided in their concessions.

2. In case some special technical improvements will be introduced on a large scale, concessionaires shall be granted private trading privileges (for the purpose of purchasing machinery, placing special orders for large quantities of goods. etc.)

3. In case concessionaires shall introduce considerable improvements or shall invest substantial capital, concessions may be granted to them for an extended period of time.

4. The Government of the Soviet Republic guarantees the immunity of the property of concessionaires against nationalization, confiscation or requisition.

5. Concessionaires shall have the right to hire office workers and workmen for their enterprises conducted on the territory of the Soviet Republic, but upon an express condition that said concessionaries shall observe the laws of the Republic concerning labor. In case, it shall be so necessary, an agreement will be concluded whereby the workmen shall be assured certain standard conditions intended to protect their life, health, etc.

6. The Government of the Soviet Republic shall not alter the conditions of a concession without the consent of the other party thereto.

MORATORIUM LIQUIDATION ACT IN CUBA.

Art. 1. The provisions of this act are applicable to credit companies and to banks of issue and discount referred to in Sections VII and VIII of Title I, Book II of the Code of Commerce in force, and to all such mercantile companies and private bankers the principal business of which may be to receive money on deposit and to keep current accounts with or without interest and savings deposits with any corporation, company, or persons.

Whenever the word bank is used in this act it must be understood as referring to all or any of the companies, corporotions, and persons mentioned in this article.

Aart. II. There is hereby created a commision to be composed of three members, which shall be known as the Temporary Banking Liquidataion Commission, and whenever the word commission is used in this act it must be understood to refer to that commission. The members of said commission shall be appointed by the President of the Republic. One of them shall be the secretary of the treasury, who will preside over the commission, and the other two members shall be persons of known fitness in banking matters and not connected in any way with those banks in regard to which the commission is to exercise its functions. The commission shall cease to function within 60 days from the final termination of all the business devolving upon it under the present act, and all the other instrumentalities created by this act shall cease in like manner.

Art. III. In any of the cases contemplated by Article V of this act the commission shall be authorized and required to take possession of, to control, and administer all the property, rights, and rights of action of any kind, cash on hand and securities, as well as assets and liabilities of the bank, to exercise all kinds of actions, to receive rents, collect all debts due to the bank under its administration or liquidation, and to compromise the same whenever it shall be necessary in its judgment. It is to make transfers or cessions of said credits and to contract and enforce obligations in the due course of administration of the bank, and generally to do all such acts and carry out such measures in connection with all the foregoing as the commission may deem necessary to the ends of this act, including the payment of outstanding debts of the bank and the distribution of the money and other properties that shall remain over among those entitled thereto. All the acts above referred to regarding the administration of any bank pursuant to this act shall be carried out with a view either to re-establish its solvency within the briefest possible period, or to bring about the final liquidation and accordingly the definite cessation of the same.

Art. IV. Of the powers vested in and duties imposed upon the commission by this act, those relating to the administration and liquidation of any bank under its jurisdiction shall be executed through a liquidation board, separately created for each bank, and which shall be under the inspection, direction and control of the commission. Whenever the word board shall be used it must be understood that the same refers to the liquidation board.

Art. V. Banks established in the Republic and included in Article I of this act shall be deemed to be in a condition of suspension of payments for all the purposes and ends of this act whenever they shall come under the cases defined in articles 870 and 871 of the Code of Commerce as amended by the law of June 24, 1911.

Within 48 hours of their being in such a condition, their directors, managers, or administrators shall submit to the commission a statement setting forth the causes which compel them to request of the commission that they be considered in the condition of suspension of payments.

Persons who shall be in the situation defined by the *first* paragraph of article 876 of the Code of Commerce and any creditor having an obligation evidenced by a title of credit of any bank and showing that the bank has ceased in the ordinary payment of its obligations, or who may have an obligation due to him from a bank, evidenced by a title of credit, which may be due and collectible in whole or in part, pursuant to the law of liquidation of the moratorium granted by decree of October 10, 1920, of the executive power. may also request in writing of the commission that the bank in default be deemed to be in a condition of suspension of payments for all the purposes and ends of this act.

Articles VI, VII, VIII, IX, and X. deal with examination of the petitioner's claims against the bank; the designation of representatives, respectively , of the creditors of the bank and of the owners of the bank the examination of the books of the bank, the taking charge by the board, for the commission, of the control of the bank and of its reorganization or liquidation and the composition and methods of procedure of the board.

Art. XI. Resolutions on all questions decided by the board relating to concurrent and preferred creditors, to propositions for reogranization or liquidation of the bank, and to amounts to be paid to the creditors of any class, shall not be final until after 10 days from the notification of the interested parties.

Only in regard to resolutions referred to in this article may any interested party have judicial recourse, which shall be to the Civil Chamber of the Supreme Court by petition in writing signed by a lawyer accompanied by a certified copy of the resolution which the board shall issue to the interested parties within 24 hours following the application therefor. As soon as said chamber shall receive such petition, it shall make it known to the board in the most speedy manner in order that it may suspend enforcement of the resolution and within 10 days the chamber shall decide what it may deem just. Against this decision no other recourse may be had than a petition for rehearing. When the said chamber shall have rendered a final decision in the matter, it shall notify the board by means of a certified copy of the same and said board shall notify the bank by means of a certified copy of the same and said board shall carry out the decision of said chamber. Within the period fixed for its decision, the chamber may hear the board in writing.

All matters submitted to the chamber shall be decided by it according to the provisions of law in force, and in the absence of such provisions, according to custom, to the general principles of law, or to commercial usages so that in no case shall it fail to decide what may be submitted to it for decision.

Art. XII. From the moment that the commission declares the state of suspension of payments according to the provisions of this act, no creditor can initiate any executory process or exercise any special action, excepting the creditors who may have mortgages or pledges to the extent of recovery out of the properties mortgaged or pledged.

Proceedings that may be pending, except as otherwise provided in this act, may be continued, but executory proceedings shall be suspended at the stage of enforcing the judgment and ordinary actions at the stage of execution of judgment.

All pending actions, and all proceedings thereunder, instituted at any time prior to the taking effect of this act, by any bank comprehended in the first article of this act or by the creditors of said banks against them, under the provisions of the bankruptcy laws contained in the Code of Commerce and in the Ley de Enjuiciamiento Civil, or of the law of suspension of payments of June of June 24, 1911, shall not be exercised or continued from the time of the taking effect of this act, but shall cease from the moment of the taking effect of this act, and said bank shall immediately become subject to the commission established by the same and shall be liquidated or reorganized by said commission, according to the provisions of this act. During the period and to the extent of the operation of the provisions of this act, whatever is provided for in it shall exclude all other classes of proceedings that may modify or change its effects and no existing law shall be held operative in so far as inconsistent with the provisions of this act concerning the matters which the same embraces.

Art. XIII. Within three months after the commission has issued its decree declaring the suspension of payments, the board shall submit to the commission, to the creditors, and to the stockholders or owners of the bank a plan of reorganization whenever it may be possible to pay the creditors installments that in the aggregate do not exceed the period of one year and in the event that the bank shall not have lost an amount greater than 50 per cent of its capital subscribed and paid. Should the case be otherwise, the board may decide to liquidate, as also in case when neither the creditors nor the owners of the capital stock accept the reorganization plan. For approval of this plan the votes of the stockholders or persons representing three fourths of the capital and the votes of the creditors representing three fourths of the credits shall be necessary, and the plan must also be approved by the commissions.

Articles XIV. XV. and XVI relate to the question of the personal responsibility of members of the commission and its representatives and to matters of fraud discovered and concealment of property.

Art. XVII. The provisions of this special act shall be deemed complimentary of the other law of liquidation of the moratorium granted by the executive power on October 10, 1920 and accordingly, shall be applicable only to banks, private bankers, and savings banks to which the same relates and to all corporations, companies, or persons included in the first article of this act, which may be comprehended within its provisions during the time in which the commission created by it may be functioning on the work devolving upon that body.

Additional Article. The provisions of this act do not include the funds of any kind belonging to the State, the provinces, nor the municipalities, nor to other official bodies, or that appear in the name of special public officials for payments on their account, or the account of private individuals who have turned in such funds to that end, nor those of the International Pan-American Office for the protection of industrial and trade marks. Likewise, they do not include the funds donated in any manner for the advancement of learning and for prizes to students.

FRANCO-CANADIAN PROVISIONAL TARIFF AGREEMENT.

The following translation of the provisional tariff arrangement recently concluded between France and Canada, to replace the commercial convention of 1907 and 1909, which went out of effect June 19, 1920, is based on the unofficial text given in "L'exportateur Francais" of January 13, 1921.

Article 1. The Dominion of Canada will apply to imported products of French origin the most favorable rates that are applied in the future to the products of any other power, with the exception of the United Kingdom as well as of the British dominions and possessions.

Art. 2. The Dominion of Canada will apply the same most-favored-nation treatment as regards export, transit, and consumption and other internal taxes.

Art. - The Government of France undertakes to extend to Canadian products pending the conclusion of a new commercial convention, the concessions provided for in the commercial convention of 1907 and 1909, subject to the modifications and additions specified in the following articles.

Art. 4. Of the articles enumerated in schedule "A" of the convention of 1907, those enumerated in list 1 of the present arrangement shall no longer be admitted to the benefit of the minimum tariff. They shall be subject, upon their importation into France, to the percentage of reduction specified in that list. These percentages of reduction shall be based on the difference between the general and minimum rates of the French tariff and shall not be affected by such reductions, increases, coefficients, or surtaxes as may be adopted by the French Government in the future.

Art. 5. In addition to the articles enumberated in schedule A of the convention of 1907, the Canadian products enumerated in the list 2 of the present arrangements shall be admitted into France under the minimum tariff or at the prescribed percentages of reduction. These percentages shall be based on the difference between the general and minimum rates of the French tariff and shall not be affected by such reductions, increases, coefficients, or surtaxes as may be adopted by the French Government in the future.

Art. 6. The present modus vivendi shall remain in effect pending the conclusion of a new commercial convention, but may be abrogated at any time by either of the High Contracting Parties on two months' notice.

AUSTRIAN FOREIGN TRADE REGULATIONS.

A decree published in "Der Wiener Zeitung" of December 31, 1920, consolidates the regulations for the importation, exportation, and transit of goods now in force. Heretofore all importation without special permission has been forbidden. This has been replaced by a provision allowing importation, except for a rather limited list of goods, for which special permission is required. The articles for which special permission is required are war materials, articles which are subject to a State monopoly or controlled by a State administration, and those whose importation it is thought important to control, for reasons of the national trade balance, on account of their character as luxury articles, because of their especially high value, or in order to protect and encourage their home production.

The prohibitions of export are materially diminished, so as to prevent in the future only the exportation of food and foodstuffs, industrial raw materials, and such semi-manufactured and finished goods as are found in the country in quantities that are small in relation to the need of them, and which can not be supplied without difficulty by domestic production or importation. Heretofore important export goods have been held back in order to use them as "compensation" under agreements with neighboring countries, but this policy is now abandoned.

The transit of goods is regulated in such a manner that no special permission will be required even for those goods whose importation or exportation is forbidden, provided they remain under customs control during their stay in the country. Goods whose importation is forbidden and which arrive at the frontier without permission will be treated as transit goods, except in the case of fresh fruits, vegetables, and flowers. The threatened confiscation of such shipments without indemnity under certain conditions, has for its purpose to avoid freight blockades such as have occurred frequently under the present system.

In order to facilitate as far as possible importation by parcel post the central office of import, export, and transit permit on affixing a stamp of 6 crowns upon the customs documents in the case of parcelpost packages not exceeding 5 kilograms in weight or a value of 5,000 crowns, provides there is no ground to suspect that shipments have been divided for the purpose of evading the prohibition of importation.

THE BRITISH DYESTUFFS ACT, 1920.

1. (1) With a view to the safeguarding of the dyemaking industry, the importation into the United Kingdom of the following goods, that is to say, all synthetic organic dyestuffs, colors, and coloring matters, and all organic intermediate products used in the manufacture of any such dyestuffs, colors, or coloring matters shall be prohibited.

(2) Goods prohibited to be imported by virtue of this act shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section 42 of the customs consolidation act, 1876, and the provisions of that and of any act amending or extending that act shall apply accordingly.

2. 1) The Board of Trade have power by license to authorize, either generally or in any particular case, the importation of any of the goods, or any class or description of the goods, prohibited to be imported by virtue of this act.

(2.) A license granted under this section shall not be transferable.

(3) For the purpose of advising them with respect to the granting of license, the board shall constitute a committee consisting of five persons concerned in the trades in which goods of the class prohibited to be imported by this act are used, three persons concerned in the manufacture of such goods, and three other persons not directly concerned as aforesaid.

Such one of the three last-mentioned persons as the board shall appoint shall be chairman of the committee.

(4) If on an application for a license under this section the committee are satisfied that the goods to which the applicindustry, the importation into the United Kingdom of the folcation relates are goods wholly produced or manufactured in some part of His Majesty's dominions, a license shall be granted in accordance with the application.

(5) An applicant for a license shall be entitled to object to any member or members of such committee, dealing with his application on the ground that he is prejudiced, owing to the fact that such member or members is or are trade competitors, and if such objection is sustained by the committee the member or members so objected to shall withdraw from further consideration of the case and shall not have access to any information or documents concerning it.

(6) For the purpose of advising them with respect to the efficient and economical development of the dye-making industry the board shall constitute a committee of persons concerned in the trades of dye maker or dye user and of such other persons not directly concerned in such trades as the board may determine.

(7) For the purpose of providing for the expenses incurred by the board in carrying this act into execution the board may charge in respect of a license a fee not exceeding five pounds.

3. Subject to compliance with such conditions as to security for the reexportation of the goods as the commissioners of customs and excise may impose, this act shall not apply to goods imported for exportation after transit through the United Kingdom or by way of transshipment.

4. Anything authorized under this act to be done by the Board of Trade may be done by the president or a secretary or assistant secretary of the board, or by any person authorized in that behalf by the president of the board.

5. (1) The provisions of this act shall continue in force for a period of 10 years from the commencement thereof and no longer.

(3) This act shall come into operation on the 15th day of January, 1921.

NEW LAWS AND REGULATIONS.

BOLIVIA.

Mail Rates in Americas.

The postal administrations of Bolivia, Colombia, Cuba the Republic of Honduras and Peru, agreed to put in effect, commencing February 1. 1921, pending ratification, the provisions of the special postal convention concluded at Madrid in November last between the Americas and Spain, and after the date named the United States domestic rates will apply to letters and post cards, as well as to newspapers and periodical publications of the second class, addressed for delivery in Bolivia, Colombia, Cuba, Honduras, Nicaragua. and Peru, while the domestic rates of those countries will apply to articles addressed for delivery in the United States in all cases where such domestic rates are less than the international rates.

BRAZIL.

Special Department of Bank of Brazil created.

By congressional decree a special department of the Bank of Brazil is established for emission and rediscount, to be entirely separate from the bank proper (in the event that a separate bank is not created for this purpose), to be under the charge of a director whom the President of the Republic will nominate. This department will be known by the name of Carteira de Emissao e Redesconto. The limit to the operations of this division will be 100.000,000 milreis, which amount can not be exceeded except under special conditions and by order of the President of the Republic.

Paper eligible for rediscount will be bills of exchange and drafts drawn in Brazilian money, to order, for an amount not less than 5,000 milreis, duly stamped and guaranteed by no less than two commercial or banking firms of sound repute and also by the payee bank, whose reserve funds have a relation sufficiently satisfactory with the realized capital at the judgment of the Government to secure the operations. The period of rediscount will not exceed four months, with interest at 6 per cent annum. Only agricultural or commercial paper will be accepted, that based on real estate or speculative mercantile transactions being excluded. Against the integral value of the paper rediscounted the Bank of Brazil will deliver notes. which will have free circulation, and whose amounts will be strictly limited to the total of the rediscount operations. The interest received from these operations will be divided 30 per cent to the Bank of Brazil, 20 per cent to the National Treasury, 30 per cent for the formation of a reserve fund in the rediscount department, and 20 per cent converted into gold for the paper-money guaranty fund.

Registration of Trade-Marks through Habana Bureau.

According to the decree of December 9, 1920, the Brazilian Government has decided to extend protection to trade-marks transmitted by the trade-mark bureau established at Habana under the terms of the Buenos Aires convention of 1910.

CAMEROUN (FRENCH).

Parcel Post from United States.

The Paris office having agreed to accept parcels mailed in the United States for onward transmission to the colony of Cameroun (French), parcels will be accepted for this colony when prepaid at the postage rate of 12 cents a pound or fraction of a pound, plus a transit rate of 40 cents a package.

The articles prohibited transmission to this colony are the same as those prohibited to France.

The offiices in Cameroun (French) open to parcel-post service are as follows: Akonolinga, Bana, Bonaberi, Doula R. P., Doume, Ebolowa. Edea, Eseka, Garoua, Kribi, Lobetal, Lolodorf, Maroua, N'Gaoudere, N'Kong-Samba, Nyombe, Yabassi. Yaounde.

CHILE.

Conversion of Paper Money Postponed.

On December 29, 1920, the Chilean Congress passed a law postponing the conversion of paper money until December 31, 1921.

CHINA.

Postal Insurance for Parcels to United States.

A notice has been issued by the post office at Swatow to the effect that "Insured parcels for the United States may be accepted for transmission through the French Service via Suez. Senders of insured parcels for the United States are requested to note that these will be dispatched via France". The greatest amount for which one parcel may be insured is $200 Mexican.

Removal of Restrictions on Telegraphing.

The Chinase Telegraph Administration is no longer refusing to accept and deliver code messages to and from the United States sent by or addressed to Russian firms or individuals.

Passport Inspection.

The Japanase Government will not require further inspection of passports of Americans traveling in the South Manchurian Railroad zone and Kwantung leased territory after February 15, 1921.

COLOMBIA.

Mail Rates in Americas.

See "Bolivia" above.

CUBA.

Four Per Cent Commercial Tax.

The Cuban Government, in a decree dated September 30, published on October 26, gives the fillowing detailed information regarding the incidence of the 4 per cent commercial tax. The substance of the legislation referred to is:

(1) All business concerns domiciled in Cuba will pay 4 per cent of their profits if their capital exceeds $10.000 or if their profits are $2000 and also foreign business concerns if the capital employed or profits earned in Cuba come within those limits.
(2) Net profiits are defined as the balance resulting after deducting all expenses from receipts.

In expenses may be included municipal and provincial taxes, but not amounts paid to the State in respect of this tax for the preceding year, nor amounts placed to reserve funds. The salaries of directors, managers, and partners are included in profits, as are also any other gain produced by the concern or its participation in other companies, even though these may pay taxes to the State (e. g. stock exchange operations).
(3) This tax is leviable on all business concerns which do not pay other specifically decreed taxes, and its collection will commence on January 1. 1921, general and private firms trading according to article 5 of the decree of July 1 being liable from January 1, 1921 and mercantile associations from July 1, 1920.
(4) Transference of or cessation from business must be notified to the Government within 10 days.
(5) Balance sheets, supported by statements of debit and credit balances and a detailed statement of all expenses, must be presented every six months and also annually, and assessments of the amount payable will be made 30 days after such presentation, appeals from such assessments being permitted to the Treasury and therefrom to the courts.

Failure to produce such balance sheets (or other documents required by the Government) will involve assessment at the expense of the defaulter.

Mail Rates in Americas.

See "Bolivia" above.

DENMARK.

Copyright Protection Granted in U. S.

See "United States of America" below.

CZECHOSLOVAKIA.

Consular Fees.

Under a new schedule going into effect January 1, 1921. the fees to be charged by Czechoslovak consuls abroad are graduated according to the economic situation of the clients. Officials receiving fixed salaries, wage laborers, employees of commercial houses, are all classed, under the law, as persons of moderate means and will pay the lowest rate of consular fees.

A Czechoslovak citizen, if a person of means. will pay $7.20 for a passport for which a workingman would pay only 50 cents. Ther verification of the signature of a private person will cost $2.90 to $11.60, according to the applicant's wealth, while the fee for the verification of an official signature will vary between $1.80 and $7.20. The fee for the passport vises is $8 for wholesale dealers, manufacturers, and other capitalists; $4 for other persons of wealth; $2 for workmen and salaried employees. The consuls are not allowed to charge any additional fees for printed matter, questionnaires, etc. and may only charge for actual postage when sending official documents by mail.

The fees payable by citizens of other countries for passport vises are governed by the principle of reciprocity. When a foreign country charges a Czechoslovak citizen a higher rate, the foreigner also is to be charged such higher rate. For subsequent vises granted during the same year the charges are graduated at $8, $4, and $2, according to the applicant's situation.

EGYPT.

Mixed Courts Continued.

An Egyptian decree of October 30, 1920, extended the powers of the mixed tribunals for another six months beginning on November 1.

FRANCE.

Modification of Parcel-Post Convention with U. S.

Under an agreement made with the postal administration of France, effective February 1, 1921, the maximum weight limit of parcel-post packages exchanged detween the United States and France is increased from 11 pounds (5 kilos) to 22 pounds (10 kilos).

The foregoing is applicable to parcels for and from the United States and its island possessions on the one hand and continental France, Corsica, Algeria, Tunis, French Morocco, and the principality of Monaco, on the other hand.

GREAT BRITAIN.

Exports Credit Scheme Amended.

The British Export Credits Scheme has been amended so as to permit, at the discretion of the Exports Credit Department, the extension of loans up to 100 per cent of the value of the British manufactured exports consigned to the permitted European countries, instead of up to 80% as heretofore.

HONDURAS.

Mail Rates in Americas.

See "Bolivia" above.

ITALY.

New Income Tax Postponed.

The operation of the consolidated and unified Italian income tax has been postponed until January 1, 1922, a year later than the date on which it was originally intended to go into effect.

New "Tourist" Tax.

Beginning January 1, 1921, guests at hotels and pensions in Italy are required to pay a graduated tax on the cost of their living accommodations, as follows: 10 per cent on bills not exceeding 50 lire; 20 per cent on sums from 51 to 100 lire; and 20 per cent on each additional 100 lire or fraction thereof. This tax, which is in addition to any other levied now or in the future, is to be collected by affixing revenue stamps to each bill presented by hotel keepers to their guests.

JAPAN.

Establishment of Foreign Trade Section.

It is stated in "The Japan Financial and Economic Monthly" that the Japanese Government has decided to open a foreign trade section in the Department of Agriculture and Commerce, the object being to promote the country's foreign trade by investigating matters relating to trade and customs in foreign countries and also the state of production, distribution, and consumption in Japan. A sum of over 50,000 yen is estimated as the necessary expenditure for such a purpose.

LATVIA.

Tax on Foreigners in Riga.

All foreigners who reside or stay in Riga, with the exception of those belonging to the following categories, must pay a tax for the benefit of the city:

Members of foreign diplomatic missions in Latvia; members of foreign relief missions; military persons who stay in Riga by order of their Government; persons ordered by the Government of Latvia or communal institutions to reside in Riga - professors, engineers, financiers, or other experts; persons who live continually over three months during a year in Latvia and who are registered to pay income tax; and persons under 18 years who have no income. A foreigner may depart only after having paid taxes and by proving it with a receipt.

The residence tax will be charged for the period of time a foreigner stays in Riga equal to the amount he pays for rent. If he pays no rent for residence, every adult is liable to a tax of 5 rubles per day. This tax must be collected by the person renting the room or apartment when collecting the respective rent for single days, weeks. months or quarters. Any person neglecting these regulations will be held responsible according to laws and will be fined with the double amount of overdue taxes and, further, he will be sent out of the city of Riga.

Tax on Remittances.

The following decree concerning taxation of remittances has been issued by the Latvian authorities to be effective November 5, 1920:

(1) A State tax of 1 per cent must be paid on all sums of money, remittances, checks, drafts, etc., exported or remitted abroad. This tax is also applicable to orders for foreign payments.

(2) All sums up to 3,000 Latvian rubles, as well as remittances made by members of foreign diplomatic missions and those by the Government and self-administrative institutions, are exempt from this tax.

(3) The Ministry of Finance will issue the necessary regulations for the enforcement of this regulation.

(4) All remittances, referred to in the first paragraph, made without payment of this tax will be considered as contraband.

Parcel Post to United States.

Parcel post packages, ordinary and registered, up to a weight limit of 22 pounds are now accepted for dispatch to Latvia at the postage rate of 12 cents a pound or fraction of a pound, subject to prohibitions appearing in section 187, on pages 184 and 185, of the July, 1920, U. S. Postal Guide.

Packages will be dispatched to New York for onward transmission to destination.

Packages mailed in Latvia which can not be delivered or are refused will be returned to New York at the expiration of 30 days from date of their receipt at the post offices of destination, for return to the post office of origin.

MEXICO.

Reorganization of the Comision De Henequen.

On November 30, 1920, "El Diario Oficial" published the law of the newly elected State legislature of the State of Yucatan, by which the Comision Reguladora del Mercado de Henequen was reorganized as an official institution.

NICARAGUA.

Mail Rates in Americas.

See "Bolivia" above.

PARAGUAY.

The General Moratorium Law.

Article 1. The moratorium decreed by law № 444 for money obligations due or about to fall due before January 11, 1921, is hereby extended for a period of three months.

Art. 2. All money payments falling due between January 11, 1921 and April 11, 1921 are hereby suspended for three months.

Art. 3. To receive the protection afforded by this moratorium or to benefit by the suspension of payments granted by this law, the debtor shall have to guarantee his obligations to the satisfaction of the creditor. In case of disagreement between debtor and creditor over the sufficiency of the guaranty, the question shall be submitted to the Commercial Court of Appeals, and it shall give judgment within 48 hours after the question had been submitted, without further appeal.

Art. 4. During the moratorium and the suspension of payments established by this law, the obligations will bear the customary interest or else bank interest.

Art. 5. Obligations, such as taxes, interest, board bills, wages, salaries, rents, remunerations arising from services, trusts, and fee in general, are excepted.

Art. 6. The obligations of the Banco de Espana and Paraguay arising from the special moratorium law, as well as those contracted after January 11, 1921, are also excepted.

Moratorium for Banco Mercantil.

Article 1. The moratorium granted to the Banco Mercantil by article 1 of law No. 444 of November 11, 1920, is hereby extended till May 16, 1921.

Art. 2 During this moratorium the bank shall be able to realize the following operations: (a) To receive deposits that shall not be subject to the moratorium and to accept checks against these funds; (b) to collect bills of exchange on commission and to remit the proceeds; (c) to accept drafts and letters of credit of foreign banks.

Art. 3 The bank shall be able to realize operations different from those mentiened in the previous article only when first authorized by the President of the Republic and provided that such operations do not diminish the bank's assets.

Circulation of Bank Notes.

The President of Paraguay signed a decree on November 18, 1920 authorizing the "Oficina de Cambios" (Exchange Office) to put into circulation the notes acquired from "El Banco de La Republica", numbered from 1 to 10,000, with a value of 1,000 pesos Papaguayan paper currency for each note, except four which were canceled. The notes will beat a stamp of authorization which will read: "Emission of the State, Law № 432, September 8, 1920." and will be signed by the president and manager of the Exchange Office.

PERU.

Hunting of Chinchillas Prohibited.

By a resolution recently passed by the Government of Peru, "the hunting of chinchillas in the territory of the Republic, as well as the sale of skins and articles made from them, is prohibited". In fact, the provisions of the decree of October 8, 1921 referring to the skins of the vicuna apply also in the case of the chinchilla. Dealers who import skins made from this animals shall be obliged to certify as to their origin.

Mail Rates in Americas.

See "Bolivia" above.

RUMANIA.

Parcel Post from United States Suspended.

A notice appearing in the United States Postal Bulletin says that postmasters have been notified that, until further instructions parcel post service to Rumania is suspended.

SALVADOR.

Ratification of Commercial Travelers' Convention.

Ratifications of the commercial travelers' convention were exchanged between Salvador and the United States on January 18, 1921.

Circulation of American Bills.

A decree was published in "El Diario Oficial" of Salvador, December 16, 1920, permitting the free circulation of American bills. Authorization is also given for the free importation of American bills into the country.

SPAIN.

No Fixed Price on Foreign Flour.

A royal order has been issued through the Ministry of Public Works to the effect that the fixed price of 82 pesetas per 100 kilo on flour, as imposed by the royal order of September 11 last, is not to be applied to that obtained from abroad or to flour that has been manufactured from wheat purchased in the open foreign market.

Increased Weight of Parcel Post.

Orders have been issued authorizing the admission of parcel post packages in Spain up to 10 kilos (22 pounds) each, provided that total shipments from one consignor to one consignee by the same boat do not amount to more than 25 kilos (55 pounds).

SWEDEN.

Regulations for the Use of Artificial Leather.

The new Swedish regulations regarding the uses of artificial leather in shoes become effective immediately.

A new system of marking shoes is provided for by the new regulations, and it is provided that ordinary cardboard may no longer be used in shoes manufactured for the market. Artificial leather, cardboard or chemically prepared fiber board, however, may be used for filling in sole construction, for "bottom binding", for toe stiffening, and reinforcement of the insole under the heal. It is provided that shoes so manufactured must be furnishhed with the mark "A", which mark is also to be used on those in which no artificial leather has been used. Further, artificial leather and similar material may be used in the heels of all kinds of shoes provided that it is removed at 12 millimeters from the wearing surfaces of the men's shoes and 15 millimeters in women's shoes. It also may be used in the manufacture of turned shoes, even as heels without the above restriction, and in the manufacture of shoes with uppers or tops of textile materials, used for the strenghtening of the binding sole in its entirety. Shoes thus made, it is provided, are to be marked "B".

UNITED STATES OF AMERICA.

Control of Sugar Abolished.

The President by a proclamation isued on November 4 1920 ordered that:

"Licenses heretofore required for the importation, manufacture storage or distribution of certain necessaries are hereby cancelled, effective Nov. 15, 1920, with respect to the following:

"All persons, firms, corporations or associations engaged in the business of importing, manufacturing, storing or distributing sugar, or any product or by-product of the foregoing named necessaries.

"Regulations issued under the said act covering licenses so dealing in these commodities are hereby canceled, effective Nov. 15, 1920."

Transactions in Russian Currency Permitted.

"The Secretary of the Treasury and the Federal Reserve Board announce that with the approval of the Department of State and in order to give force and effect to the action of that department in removing restrictions in the way of

trade and communication with Soviet Russia as announced by that department on July 7, 1920, all rules and regulations restricting the exportation of coin, bullion and currency to that part of Russia now under the control of the so-called Bolshevist Government or restricting dealings or exchange transactions in Russian rubles, or restricting transfers of credit or exchange transactions with that part of Russia now in the control of the so-called Bolshevist Government, have been suspended, effective Dec. 18, 1920, until further notice."

Regulations for Alien Passports. ..

1. The aliens abroad should obtain passports from the foreign Government to which they owe allegiance.

2. They should present the passports in person to the American Commissioner or Consul in the district abroad where they now reside. At the office of the Commissioner or Consul they should make a declaration or application for a vise permitting them to proceed to the United States. They should take with them three small photographs. It is also desirable for them to present letters or affidavits from relatives or friends in this country setting forth details as to why they desire to come to the United States, what their occupation will be while in this country, with whom they will reside and a statement (if the aliens are to be supported by relatives already in the United States) as to the ability of the relatives to care for them properly on arrival.

Copyright Protection to Danish Authors.

The President signed proclamation granting to subjects of Denmark the protection of the American copyright law of March 4, 1909, and the acts amendatory thereof.

The proclamation does not afford protection to works which have been republished in the United States since Aug. 1, 1914. It was issued under an act of Congress, approved Dec. 18, 1919, which authorized the President to grant protection to "all works made the subject of copyright by the laws of the United States first produced or published abroad after Aug. 14, 1914, and before the date of the President's proclamation of peace, of which the authors or proprietors are citizens or subjects of any foreign State or nation granting similar protection for works by citizens of the United States."

Satisfactory official assurance has been given by the Government of Denmark that the royal decrees of Feb. 22, 1913, issued by virtue of the authority conferred by the Danish copyright law of April 1, 1921, extending to Ameircan authors the rights and privileges conferred by that law (including reproduction by mechanical instruments and cinematographic representation), were not canceled during the war and that, if protection is granted in the United States to works by Danish authors which have been published during the war, protection in Denmark for American authors would take effect automatically.

Ship Mortgage Act 1920.

Sections relating to aliens:

Subsection J. (c) If any person enters into any contract secured by, or upon the credit of, a vessel of the United States covered by a preferred mortgage, and suffers pecuniary loss by reason of the failure of the collector of customs, or any officer, employee, or agent thereof, properly to perform any duty required of the collector under the provisions of this section, the collector of customs shall be liable to such person for damages in the amount of such loss. If any such person has caused any such loss by reason of the failure of the mortgagor, or master of the mortgaged vessel, or any officer, employee, or agent thereof, to comply with any provision of subsection E or F or to file an affidavit as required by subdivision (a) of subsection D, correct in each particular thereof, the mortgagor shall be liable to such person for damages in the amount of such loss. The district courts of the United States are given jurisdiction (but not to the exclusion of the courts of the several States, Territories, Districts or possessions) of suits for the recovery of such damages, irrespective of the amount involved in the suit or the citizenship of the parties thereto. Such suit shall be begun by personal service upon the defendants within the limits of the district. Upon judgment for the plaintiff in any such suit, the court shall include in the judgment an additional amount for costs of the action and a reasonable counsel's fee, to be fixed by the court.

Subsection K. A preferred mortgage shall constitute a lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel. Upon the default of any term or condition of the mortgage, such lien may be enforced by the mortgagee by suit in rem in admiralty. Original jurisdiction of all such suits is granted to the district courts of the United States exclusively. In addition to any notice by publication, actual notice of the commencement of any such suit shall be given by the libellant, in such manner as the court shall direct, to (1) the master, other ranking officer, or caretaker of the vessel, and (2) any person who has recorded a notice of claim of an undischarged lien upon the vessel, as provided in subsection G, unless after search by the libellant satisfactory to the court, such mortgagor, master, other ranking officer, caretaker, or claimant is not found within the United States. Failure to give notice to any such person, as required by this subsection, shall not constitute a jurisdictional defect; but the libellant shall be liable to such person for damages in the amount of his interest in the vessel terminated by the suit. Suit in personam for the recovery of such damages may be brought in accordance with the provisions of subdivision (c) of section 10.

Subsection O. (a) The documents of a vessel of the United States covered by a preferred mortgage may not be surrendered (except in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country) without the approval of the board. The board shall refuse such approval unless the mortgagee consents to such surrender.

(b) The interest of the mortgagee in a vessel of the United States covered by a mortgage, shall not be terminated by the forfeiture of the vessel for a violation of any law of the United States unless the mortgagee authorized, consented, or conspired to effect the illegal act, failure, or omission which constituted such violation. . . .

(d) No right under a mortgage of a vessel of the United States shall be assigned to any person not a citizen of the United States without the approval of the board. Any assignment in violation of any provision of this section shall be void.

(e) No vessel of the United States shall be sold by order of a district court of the United States in any suit in rem in admiralty to any person not a citizen of the United States.

Mail Rates in Americas.

See "Bolivia" above

Modification of Parcel Post Convention with France.

See "France" above

Parcel Post to Rumania Suspended.

See "Rumania" above.

YUGOSLAVIA.

Reestablishment of Parcel Post Service.

The Minister of Posts and Telegraphs announces the reestablishment of parcel post communications with Belgium, Denmark, Egypt, Sudan, Finland, Italy, Luxemburg, Hungary, Spain, the Republic of Andorra, Sweden and Great Britain.

RECENT DECISIONS.

I GREAT BRITAIN.

ALIENS.

Art. 12, para. 1, of the Aliens Order, 1919, which empowers the Secretary of State "if he deems it to be conducive to the public good" to make a deportation order against an alien is not ultra vires. In acting under the article the Secretary of State is not a judicial, but is an executive, officer, and is therefore not bound to hold an inquiry or give the person against whom he proposes to make a deportation order the opportunity of being heard. Rex v. Leman Street Police Station (Inspector of). Ex parte Venicoff. Rex v. Secretary of State for Home Affairs. Ex parte Same—Div. Ct. (1920) 3 K. B. 72. 36 T. L. R. 67.

BANKRUPTCY.

By an order of the Supreme Court of the Union of South Africa, made under the Insolvency Act, 1916, of the Union of South Africa, the estate of an insolvent was sequestrated for the benefit of his creditors; subsequently a trustee of the estate was elected and was declared entitled to administer the estate in accordance with the said Act. The insolvent was entitled to certain freehold and leasehold property in Ireland. Under the law of the Union of South Africa the trustee was entitled to the immovable property of the insolvent situated in Ireland, so far as such right did not conflict with the law in Ireland. The Supreme Court of South Africa having requested the Irish Courts to act in its aid, the trustee applied for an

order vesting the said property in him. Held, that he was entitled to such order. In re Bolton, (Ir). 1920 2 I. R. 324.

CONTRACT.

An agreement made in British Territory to allow rebates upon freights paid for the carriage of goods by sea to a foreign country cannot be repudiated, after the goods have been carried and the freights paid, on the ground that payment of rebates would subject the shipowners to penalties under legislation of the foreign country.

Judgment of the Supreme Court of Trinidad affirmed. Trinidad Shipping and Trading Co. v. Alston (G. R.) & Co., J. C. 1920 A. C. 888.

DAMAGES.

The defts contracted to carry goods for the plt. from England to Italy and deliver them there on Feb 10, 1919, but in breach of their contract failed to do so, and converted the goods. In an action by the plt. the Court fixed the damages as the value of the goods in Italy on Feb. 10 aforesaid-namely, 190 lire per 100 lb:

Held ,that in arriving at the proper equivalent in British currency for the purposes of assessing these damages, the rate of exchange prevailing between the two countries on Feb. 10, 1919, when the breach was committed, and not that prevailing at the date of the judgment, should be adopted. Di Ferdinando v. Simon, Smits & Co., 1920 2 K. B. 704; Affirmed on appeal— C. A. 1920 W. N. 273.

Where, upon the breach of a contract the person in default —whether seller or buyer—becomes liable for the payment of a sum of money in a foreign currency, the damages, for the purposes of an English judgment, must be assessed as at the date of the default, and the sum payable must be converted into English currency accordincg to the rate of exchanges prevailing at that date. Barry v. Van den Hurk—1920 2 K. B. 709; 36 T. I. R. 663.

The respondents sold to the claimant sodium sulphide in drums. The drums were delivered to the claimant in Manchester, but the respondents knew that they were intended for export. Owing to the difficulty of opening and reclosing the drums it is impracticable to open them until the contents are actually required for use. The drums were resold by the claimant and owing to congestion on the French rys. and other causes they did not reach the ultimate consignees at Lyons and Genoa respectively till some months later. On the drums being opened by those consignees the contetns were found to be not sodium sulphide but caustic soda of inferior quality. The drums were thereupon rejected. On a claim for damages by the claimant against the respondents:

Held, that the damages were to be assessed according to the prices ruling, not at the date of delivery in Manchester, but at the date when the drums were opened by the ultimate consignees at Lyons and Genoa. Van den Hurk v. R. Martens & Co., (1920) 1 K. B. 850; 89 L. J. K. B. 545; 123 L T 110

INSURANCE.

The appellants, a Dutch Co., insured a steamer and freight against a total loss with the respondent insurance Co. On Aug. 18. 1914, the ship left Petrograd on a voyage to Helsingfors. She was escorted by Russian warships until she was outside the Russian minefield, when the escort left her. After she proceeded another fifty-seven miles she struck three mines in succession, and was totally lost. The mines were assumed to be fixed mines which had been placed by the Russians to protect the northern coasts of the Gulf of Finland and had broken adrilft.

Each of the policies contained the clause "Warranted free from capture, seizure, dentention, and all other consequences of hostilities (piracy, riots, civil commotions and barratry excepted)" and also a clause providing that the insurance was specially to cover loss through explosions.

In an action on the policies the appellants contended that the ship was lost by marine and not war risks, and that the clause warranted free from capture, etc., referred to hostile acts which amounted to taking possession of the ship insured and did not include consequences of hositilities which were not ejusdem generis with capture, seizure, and detention such as the destruction of the ship by drifting mines:—

Held, that the loss of the vessel was the direct consequences of hostilities, and the respondents were not liable therefore under the policies. Decision of the C. A. affirmed. Stoomvaart Maatschappij Sophie H. v. Merchants' Marine Insurance Co. H. L. (E.) 122 L T. 295; 36 T. L. R. 73.

MARRIAGE.

A marriage celebrated in a British colony according to Church of England usage may be proved by the production of a certificate of an entry in an ecclesiastical register without expert evidence of the validity of the marriage according to the local law Perry v. Perry 89 L. J. (P). 192.

A marriage celebrated in a British colony may be established without further evidence by a certificate of its celebration, prescribed by a colonial ctatute and made admissible by that statute. Bonhote v. Bonhote 89 L. J. (P.) 140: 123 L. T. 174.

SHIPPING.

A chater party dated May 18, 1917, provided that a steamer should proceed to Norfolk, Virginia, and there load a cargo of coal for delivery at Bilbao. On Jul. 9, 1917, the President of the United States issued a Proclamation, which came into force on Jul. 15, prohibiting the export of coal to Spain except under license from the American Government. On Jul. 11 a co. which had acted as agents at Norfolk for the charterer and also for the shipowners, applied for a license for the export of the cargo of coal. The steamer arrived at Norfolk on Jul. 14. The cargo was duly loaded, but the steamer was detained at Norfolk while waiting for the license which, without default on the part of the agents, was not obtained until Aug. 1. The owners claimed damages from the charterers for the detention of the steamer:—

Held, that as the owners had, through their agents, knowledge at the time the cargo was loaded that it was necessary to obtain an export license, which might involve delay, the charterer was not liable for the detention of the steamer. Sebastian S. S. (Owners) v. De Vizcaya— 1920. 1. K. B. 332; 89 L. J. (K. B.) 385; 122 L. T. 541.

TREATIES.

By a policy of insurance effected on Nov. 2, 1918, during the European War, the deft. agreed to pay to the plt. a certain sum "in the event of peace between Great Britain and Germany not being concluded on or before Ju. 30, 1919."

On Jun. 28, 1919, these Powers signed a Treaty of Peace, but they did not exchange and deposit ratifications of the Treaty until Jan. 1920. In an action brought by the plt. against the deft. upon the policy in Aug. 1919:— Held, that peace had not been concluded between these Powers on or before Jun. 30, 1919, within the meaning of the policy, and that the plt. was therefore entitled to succeed in the action. Kotzias v. Tyser— (1920) 2 K. B. 69; 122 L. T. 795;

Before the outbreak of war, the dfts. the German owners of the steamship M. G., recovered judgment against the British owners of the steamship K. for the amount of the damage arising out a collision between the two vessels, and the damages were referred to the Registrar and merchants for assessment. Before the defts. had filed their claim in the registry the war had broken out. A few days before the Peace Treaty was ratified (Jan. 10, 1920) the claim and vouchers were filed, but by consent they were treated as having been filed after the ratification. Thereupon the plts. took out a summons for an order to set aside the filing and service of the claim and vouchers on the ground that under arts. 296 and 297 of the Treaty and s. 1, sub-ss. 16 and 17, of the Treaty of Peace Order, 1919, the parties had no right to litigate the claim in registry, inasmuch as, being a debt owing to German nationals, it had to be settled through the intervention of clearing houses:—

Held, that the deft's claim was not a debt but a right which by art. 297 of the Peace Treaty was subject to the right to be retained and liquidated "in accordance with the law of the allied state ——— concerned"—namely, Great Britain that, not being in debt, art. 296 did not apply and that, although the defts. would not be able to handle the sum awarded, there was nothing in art. 297 or in s. 1, sub-s 17, of the Treaty of Peace Order (which makes provisions with a view to making effective and enforcing (inter alia) rights belonging to German nationals) to deprive the defts. of their right to proceed to a reference, or to prevent the plts. paying money into Court with a notice that it was in satisfaction of the claim of German subjects. The Marie Gartz (1920) P. 172; 36 T. L. R. 446

TRUST.

A testator by his trust disposition and settlement left the residue of his property in trust to be divided amongst his seven children, and directed that this provision was to be accepted in full of legitim, and that if any of the children should repudiate the settlement and claim their legal rights they were to forfeit all title to any share of his estate which he could dispose of by law. By a codicil the testator directed his trustees, instead of paying over to his daughter Mrs. G. her share of the residue, to hold it for her in life rent and after her death to divide it among her children. Part of the testator's residuary estate consisted of land in Argentina. By the law of that

country no trusts were recognized in respect of land and accordingly on the death of the testator his children, including Mrs. G., succeeded automatically to the land in equal shares ab intestato. Mrs. G. claimed legitim and forfeited her interest under the will, but it was held in Scotland that her children could claim as independent legatees. Mrs. G's children claimed that the other six children of the testator should surrender to the trusts of the will the shares of land which passed to them under the Argentine law, as a condition of taking their share of the residue of the property in Scotland:—

Held, that as it was impossible for the testator's six children by any act of their own to render the land in the Argentina subject to the trusts of the will, they were not put to their election between their share of the land in Argentina and the benefits conferred upon them by the will. Decision of the First Div. of the Ct. Sess. in Scotland (1919) S. C. 438 reversed. Brown v. Gregson—H. L. (Sc) 1920 A. C. 860.

II. UNITED STATES OF AMERICA.

Where, on a previous prosecution of accused under Chinese Exclusion Act, paragraph 11, as amended by Act July 5, 1884 (Comp. St. no. 4298) for the unlawful landing of Chinese laborers in the United States, a verdict of not guilty was directed on the ground of failure to prove that the Chinese were actually landed in the United States, it was error, in a subsequent prosecution for the same acts, under Immigration Act, No. 8 (Comp. St. 1918, Comp. St. Ann Supp. 1919, No. 4289 ¼ dd) to quash the indictment on the ground shat persons bringing Chinese laborers into the United States should be prosecuted, not under the Immigration Act, but under the Chinese Exclusion Act U. S. v. Butt, 41, S. Ct. 37.

The Provisions of the naturalization law must be strictly and literally complied with in order to confer jurisdiction.

Under Naturalization Act, No. 3, (Comp. St. No. 4351), provides that "the naturalization jurisdiction of all courts—shall extend only to aliens resident within the respective judicial districts of such courts."

A declaration of intention of an alien, field in a state court, which corectly gave the street number of his residence, but erroneously stated that it was within the county, where residence within the county was jurisdictional, held ineffective as a basis for a petition for naturalization. Petition of Briese, 267, F. 600.

The action of the executive department or its subordinate officers under deportation statutes is final, when hearings are fairly conducted. Akira Ono v. U. S. 267 F. 359.

The word "hearing", or 'hearings," as used in Immigration Act Feb. 5, 1917, No. 20 (Comp. St. 19918, Comp. St. Ann Supp. 1919, No. 4289 ¼k,) providing for the release of aliens taken in custody on bond conditioned on their production when required for hearing, or hearings, in regard to the charges on which they were taken into custody, and for deportation if unlawfully within the United States, including any hearings, whether preliminary or otherwise U. S. v. Uhl, 266 F. 929.

TARIFF LAWS AND REGULATIONS.

I. EXPORT.

ALGERIA.

Removal of Embargo on Wool and Skins.

A decree of November 9, 1920, published November 14 removes the export embargo in Algeria in raw wool, skins, and wool waste.

New Duties and Embargoes.

See "France" below.

ANGOLA.

Increased Duties.

The Provincial Government has established the following schedule of export duties applicable to coffee, palm kernels, palm oil and hides, payable following quotations from day to day:

Coffee:—Quotations up to 3 escudos (3$00) per arroba, 6reis per kilo; from 3$01 to 4$00 per arroba, 10 reis per kilo, and 10 reis per kilo additional for each increase of 1 escudo per arroba up to 10$00; from 10$01 to 11$00-90 reis per kilo, and 20 reis per kilo additional for each increase of 1 escudo per arroba up to 20$00; over 20$00-290 reis per kilo.

Palm kernels and palm oil: — Quotations up to 1$00 per arroba 3 per cent ad valorem; from 1$01 to 2$00 per arroba - 4 per cent ad valorem, and 2 per cent additional for each increase of 1 escudo per arroba up to 10$00; over 10$00 - 22 per cent ad valorem.

Hides: — Quotations up to 3$00 per arroba - 3 per cent ad valorem from 3$01 to 4$00 per arroba - 4 per cent ad valorem, and 1 per cent additional for each increase of 1 escudo per arroba up to 12$00; from 12$01 to 13$00 per arroba - 14 per cent ad valorem, and 2 per cent additional for each increase of 1 escudo per arroba up to 20$00; over 20$00 - 30 per cent ad valorem.

Produce exported to foreign countries pays twice the duties scheduled above (escudo - exchange rate about $0.25).

ARGENTINA.

Removals of Duties.

The embargo on the exportation of wheat flour and its derivatives was lifted by an executive decree of December 9.

The additional duty of 5 pesos per 100 kilos on exports of wheat flour. 4 pesos per 100 kilos on exports of wheat, and 20 per cent ad valorem on exports of other wheat products has been removed.

A law was promulgated on February 1, 1921, by which the export duty on wool, scoured or not, and on all cattle, sheep, and horse skins has been removed for a period of one year.

BELGIUM.

Articles Subject to Licenses.

According to a decree of September 14, 1920, as amended by decree of December 3, 1920 the exportation of the following articles remains subject to license from the Ministry of Industry, Labor and Supply: —

Alcohols, properly so called, of all kinds; matches; live animals-bovine, ovine, caprine, and porcine, solipeds (domestic), fowls, ducks, geese, and turkeys, fish fry; grains and seeds of all kinds; articles of lace and embroidery, caps, hats, and hat shapes, furs, gloves, leathers cut in the shape of gloves, and hatbands, suspenders, garters, corsets, loin cloths, cravats, boots and shoes, gaiters, leggings, sabots and shoe cords, ropes, hurdles, stands, and matting of straw; products suitable for human consumption, except fresh fruit other than plums, apples and pears, mushrooms, fresh vegetables other than potatoes, crustacea and mollusks, beer in casks and wines, cocoa beans, ground or not, cocoa shells and husks, coffee and tea, spices and meat or vegetables extracts, edible oils, products used as food for domestic animals, except oil cakes, corn in grain or meal, crushed corn and corn waste; harvest crops of all kinds except hops; soap of all kinds; unmanufactured tobacco; fabrics of pure silk, and fabrics of silk and cotton, cloth or ticking for mattresses, counterpanes, and bed covers. ribbons, lace, tulles and embroideries.

BOLIVIA.

Embargo on Certain Food.

The export of the following articles is prohibited by a recent decree of the Government: —

Sardines, sugar, condensed milk, corn, flour, wheat, dried beef, beans, peanuts, kerosene. edible fats, and sheep and cattle.

BRAZIL.

Relaxation of Embargo on Sugar.

The Food Controller issued on October 5th a regulation which declared the exportation of sugar from Brazilian ports temporarily free of restriction. A specified stock is guaranteed in the State capitals and in Rio de Janeiro to meet the necessities of internal consumption. The reserve stock now required is 500,000 sacks, alloted as follows: One hundred and fifty thousand sacks to Rio de Janeiro, 150,000 sacks to Pernambuco, and balance to other States.

Removal of Embargos.

On November 17. 1920, by orders of the Food Controller previously authorized by a decree of Congress, all restrictions on the commerce in, and exportation of, food products and articles of prime necessity were suspended. The Government is authorized in time of scarcity to acquire stocks for supplying the national needs.

CHINA.

Prohibition on Cattle in Shantung.

A prohibition on the export of cattle is in effect in Shantung. The prohibition law has been somewhat modified by a system of licenses for export.

Changes in the Tariff.

The import of containers to be used in export cargo will be admitted free of duty. The list of such containers is given as follows:

Bottles for soft drinks, barrels for beer, jars and bottles for sulphuric acid, compressed oxygen tubes made of iron or steel, flour or Portland cement bags or sacks made from cotton or jute, iron drums for oils. acids or molasses, mat sacks for sugar, and wooden barrels for coal tar.

Export duties are to be levied on all clothes, hats, caps, socks, mosquito nets, towellings, handkerchiefs, tablecloths, curtains and bed coverings, with the exception of used articles.

Textiles exported for bleaching, printing or dying purposes are exempted from export duties, providing that the applications are made previously for exemption of duties stating where and when the finished goods are to be reimported.

COSTA RICA.

Law Regulating Exportation of Sugar.

A law regulating the exportation and sale of sugar was promulgated under date of August 5, 1920. A summary of the principal provisions of the law is as follows: —

The exportation of refined and brown sugar will be permitted to producers only. Every exporter of refined sugar must deliver to the Government 25 per cent of the quantity that he intends to export, in order that he may ship the remaining 75 per cent. A duty of 10 per cent ad valorem will be levied on the amount exported. In the case of brown sugar, the exporter must deliver to the Government 40 per cent of the product that he intends to export. The 60 per cent that he is permitted to ship will be dutiable at 7 per cent ad valorem on the price obtained in foreign markets. The reserve of both the refined and the brown sugar may be disposed of either by exporting it or by selling it to the Government. If exported, refined sugar will be subject to an additional duty of 30 per cent ad valorem and brown sugar to an additional duty of 25 per cent ad valorem. If sold to the Government, the sale price may not exceed the highest price obtainable in the North American markets, the cost of exportation, plus the duties levied on the percentages exported and reserved being deducted. The export duties provided by this law can not be increased during a period of 10 years. In case refined sugar or brown sugar should be quoted at a price lower than $10 or $8 per 100 pounds, respectively, all restrictions on exportation will be removed and all export duties suspended. The quotations are to be fixed bimonthly or monthly by the Secretary of the Treasury in conformity with the sugar reserved for domestic consumption will be increased or decreased in accordance with the demands of the home market.

Finished products having sugar as a base, such as confectionery, sweetmeats, refreshments, etc., are subject to an export duty of 15 per cent ad valorem.

FRANCE.

Embargo on Walnut Wood.

A decree of August 14, 1920, published in "Le Journal Officiel" for September 1, prohibits the exportation of squared or sawed walnut wood except veneering, without an export license. The decree went into effect immediately upon publication.

Removal of Embargos.

A decree of August 25, 1920, published September 3 in "Le Journal Officiel", removes the prohibition on the exportation of rice. The decree went into effect upon its publication.

A decree of October 12, 1920 published in "Le Journal Officiel" for October 15, removes the prohibition on the exportation of raw and stripped osiers.

The embargo on the exportation of foundry pig iron and forge pig containing less that 15 per cent of manganese and spiegel iron containig from 15 to 25 per cent of manganese has been removed.

A note to exporters published in "Le Journal Officiel" for February 23, 1921, states that the unrestricted exportation of raw, green or dried hides, and skins in large or small sizes, and prepared, tanned or tawed or curried horse, cow, and calf hides and skins is authorized until further notice.

Decrees of February 12, 1921, published in "Le Journal Officiel" of February 16, authorize the free exportation of imitations of ivory and tortoise shell, crude celluloid in uncelluloid cuttings and waste intended for reworking and spirits of turpentine.

New Duties and Embargoes.

A decree of February 5, 1921, published in "Le Journal Officiel" for February 6, authorizes the exportation of antiques and objects of art and Thomas phosphate slag with special permit. An export tax of 1.50 francs per 100 kilos is levied on slag.

A decree of October 22, 1920, published in "Le Journal Officiel" the next day, established the following export duties: Spirits of turpentine, mine props, and bauxite 20 per cent ad valorem; waste and scrap iron which can be utilized only for resmelting, 150 francs per 1,000 kilos. The exportation of these products is prohibited except under license.

The export duty on waste and scrap iron has been changed from 150 francs per 1,000 kilos to 20 per cent ad valorem. These changes were made by a decree of November 4, 1920, published in "Le Journal Officiel" for November 5.

GAMBIA.

Changes in Customs Duties.

The duty on the exportation of ground nuts has been increased from 6s. 8d. per ton of 2,240 pounds net to £1 per ton.

GERMANY.

Restrictions on Machinery Supplies to Poland.

The authorities have discontinued the granting of export permissions for machines, tools, and materials from Germany to Poland.

GREAT BRITAIN.

Removal of Embargoes.

The embargo on floating docks and their component parts and seed potatoes has been removed on December 21, 1920.

The prohibition against the exportation of yeast has been removed, January 12, 1921.

The embargo on the exportation of eggs in the shell and dead poultry has been removed.

Since September 15, 1920, the prohibition against the exportation of ergot of rye and liquid extract of ergot is removed. The embargo on fruit pulp has been removed.

The embargo on the exportation of tea has been removed.

The Board of Trade has announced the removal of the prohibition on the exportation of coal tar, all products obtained therefrom and derivatives thereof suitable for use in the manufacture of dyes or explosives, dyes and dyestuffs from coal-tar products, and synthetic indigo, effective from February 1, 1921. The embargo on the exportation of butter has been removed from January 27, 1921.

The prohibition on the exportation of "arms (not being firearms) and component parts" has been removed. The prohibition against the exportation of bayonets and component parts is still in effect. (The prohibition on the exportation of firearms has already been removed.)

The Government Board of Trade has removed the embargo on raw flax and air-gun pellets.

Changes in Embargoes.

The prohibition on sweetened, condensed, or preserved milk has been removed. An open general license has been issued for the exportation of soap, ointment, tooth powder and disinfectant powder, or liquid containing not more than 20 per cent coal tar derivatives.

The Government Board of Trade has placed an export embargo on suet. An open general license has been issued for the exportation of tablets, lozenges, pastilles, etc, containing ingredients other than the opium, cocaine, and their derivatives.

The ministry of Mines announced the revocation of the regulations of pithead price for coal and all restrictions on export and distribution of coal beginning with March 1, 1921. An open general license has been issued for the exportation of photographic chemicals containing not more than 20 per cent coal-tar derivatives.

Embargo on Gold and Silver.

A proclamation of February 7, 1921, prohibits the exportation of gold and silver coin and gold bullion from the United Kingdom except under license from the Government Board of Trade. Gold produced in British Dominions and imported into the United Kingdom may, however, be exported in accordance with the terms of such arrangements. Gold bullion includes gold partly manufactured and any mixture or alloy containing gold.

Embargo on Fertilizer.

The Board of Trade has prohibited the exportation of ammonium sulphate, superphosphate, lime, basic slag and compound fertilizers containing any of these products. This embargo is made under the Fertilizer Act, 1920, and has been in effect since February 7, 1921.

GUADELOUPE.

Duty on Vanilla and Vanillin.

In "Le Journal Official" of the colony, issue of September 2, 1920, was published an Executive Decree of August 28, 1920 putting into effect the export duties on vanilla and vanillin that were prescribed by a resolution of the Colonial Council of August 1, 1919. These duties are 0.75 franc per kilo for vanilla and 0.50 franc per kilo for vanillin.

GUATEMALA.

Restrictions on Live Stock.

By the decree of October 2, 1920, the following regulations are made for the exportation of live stock for slaughter:

(a) Male cattle may be exported, which weighs at least 800 pounds at the shipping port or terminal station of Guatemala.

(b) A fee of 2 pesos (American gold) will be charged for each head of live stock exported.

(c) Persons who export live stock will have to have their stock examined for health and freedom from parasites of all kinds by the proper department. Every shipment of live stock must be accompanied by the bill of sale, showing the number of heads, the weight of each animal, and the mark and brand of the last owner in the country.

The exportation of slaughtered animals remains free of duty for animals weighing at least 800 pounds.

The prohibition on exporation, or slaughter for exportation of female live stock remains in force.

The regulations of June 19, 1900, and February 21, 1906, are abolished in so far as, they are inconsistent with the present decree.

Free Exportation of Agricultural Products.

All export restrictions and duties have been removed from the following articles by a decree of November 26, 1920: Rice, kidney beans, of all kinds (except black), chick peas, peas, potatoes and vegetables, linseed sesame peanuts, corozu and other oleginous seeds, fruits of all kinds, fresh and preserved, starch, cornstarch and flour of various kinds, cotton, hemp, linen, ramie and other vegetable fibers.

The importation of corn is permitted on conditions that the average current price does not exceed $2, American gold, per quintal (101.4 pounds.)

Reduction of Duties on Sugar and Coffee.

By a decree signed by the President on January 14, 1921, the export duty on white or granulated sugar has been reduced from $1.25 (U. S. currency) per quintal to $0.25 per quintal. The duty on unrefined brown sugar, or "Panela," has been reduced from 10 cents to 5 cents (U. S. currency) per quintal.

By a decree of November 24, 1920, the export duty of $1.50 (U. S. currency) per quintal (101.4 pounds) on coffee shipped from Guatemala is reduced to $1 per quintal.

HUNGARY.

Parcel Post Service From United States.

See "United States of America" below.

ITALY.

Duty on Sponges From Tripoli and Cyrenaica.

By a royal decree, effective October 8, 1920, the Government has imposed an export duty of 15 per cent ad valorem on sponges exported from Tripoli and Cyrenaica.

Changes in Embargoes.

The Ministry of Finance advises that from October 18, 1920, the customs officials are authorized to permit the free export of fig nougat, even when this sweet contains powdered chocolate and vanilla, provided it is made up without sugar. Iron silicium may now be freely exported regardless of the proportion of silicium contained in the alloy.

Modification of Restrictions.

A decree of December 30, 1920 published in "La Gazzetta Ufficiale" for January 11, 1921, effective on the day following its publication gives the list of commodities which may not be exported without license, scheduled below:

Schedule C.—Pure alcohol; vegetable and animal oils: palm, coconut, and other vegetable oils for industrial uses; oils, mineral, resin, tar, crude, light or heavy and residues from the distillation of mineral oils; toluol and mixtures of toluol; coffee; molasses and residue of molasses; sugar of whatever quality, also caramel; glucose; confectionary and products manufactured with sugar; biscuits; leaf tobacco; salts of potassium, including salts derived from the residue of sugar beets; permanganate of potash; chemical fertilizer; tanning extract of all kinds; copper sulphate; quinine, its salts and preparations; medicaments containing quinine; waste of hemp and flax, except tow, skins of rabbits and hares and their waste, building and cabinet woods; railroad crossties; staves for casks of oak wood; firewood; charcoal; metallic ores, pyrites; scrap ,scales, dross, and filings of all common metals; rags of all kinds, including scraps of cords and nets, and the like; newsprint paper; gold, silver and copper bearing sand; nickel; gold, silver, and platinum, manufactured and unmanufactured waste and scrap of precious metals cement; bricks; hollow brick of all kinds; turf and bricks of turf; coal; briquettes; straw-covered flasks; cereals and grains of all kinds; rice; dried legumes, potatoes; flours of cereal grains of legumes, and chestnuts; bran, farina, and other products produced by the grinding of cereals and grains; alimentary pastes; bread and sea biscuit; feculae; olives fresh and preserved; olive pulp, oleaginous seeds and meal thereof; copra; forage of all kinds, including cake of oil thereof; copra; forage of all kinds, including cake of oil seeds, beetroot pulp and the residue of any other materials that may serve as food for animals; sugar beets; cattle, horses, sheep, goats and swine; rabbits; meats fresh or preserved in any manner; lard; poultry, live or dead; fresh fish, cod, stockfish; tunny and salmon prepared in any manner, poultry eggs; whites and yolks of eggs, desiccated or liquid; milk including sterilized or concentrated; butter; rennet; artificial butter, margarine, animal and vegetable; animal and vegetable fats: lard, cheese; horn, bone, and similar raw materials, waste of horn, hoofs and similar materials, coins of gold, silver, copper and nickel; paper money; Italian securities issued by the State, by public bodies, by national corporations and coupons matured on such securities; exchange documents, letters of credit, and all instruments of credit expressed in Italian lire.

Potatoes and lumber of all kinds can be exported, conditional upon the turning over to the Instituto Nazionale dei Cambi (National Institute of Exchange) of the foreign exchange of credits arising from such exportation.

With reference to the exportation of leather footwear, which is now permitted the foreign exchange resulting from the sale of such goods must be turned over to the Treasury.

MEXICO.

Duty on Copper.

By decree, published January 11, 1921, effective from December 25, 1920, copper for export is free of duty when the market value of electrolytic copper in New York City is 15 cents or less per pound.

Duties and Embargos.

The export duty of 0.50 peso per gross kilo on sodium chloride has been removed. The exportation of animals for breeding purposes has been prohibited. There are other minor changes.

The decree providing for these changes has become effective November 1, 1920.

The new export tariff permits the exportation of rice flour, wheat flour, rice, wheat, corn, unshelled coconuts, and copra with the following export duties: rice flour, 0.20 peso per kilo; wheat 0.10 peso per kilo; and corn 0.03 peso per kilo. Unshelled coconuts and copra are free of duty.

The President of Mexico has signed a decree increasing the export duty on cotton from 3 to 5 centavos per kilo, gross (11/2 cents to 21/2 cents per 2.2 pounds). The decree will be effective from Setpember 1, 1920.

Export of Sporting Goods.

See "United States of America" below.

PERU.

Taxation on Vanadium.

A law has been passed by the Peruvian Congress and signed by the President on January 19, 1921, whereby a tax of 45.20 sols per metric ton of 2,204.6 pounds will be levied on all vanadium exported from Peru. This tax will be in force until December 31, 1921.

POLAND.

Restrictions on Machinery Supplies from Germany.

See "Germany" above.

PORTUGAL.

Removal of Licenses for Leather.

The decree of November 29, 1920, which required an export license for the exportation of leather was revoked by the Government.

SAINT VINCENT.

Suspension of Embargo on Hides.

An order in council of October 16, 1920 ,suspends the export embargo on hides and skins in St. Vincent.

SALVADOR.

Tax on Sugar.

By a decree of August 23, 1920, the exportation of refined sugar and brown sugar is declared free of duty, with the exception of a national tax of 0.75 and 0.25 colon in gold respectively, for each quintal of sugar exported. (quintal (Spanish)-101.4 pounds.)

Reduction of Duty on Hides.

In "El Diario Oficial" of Salvador for December 10, 1920, an announcement was published to the effect that the export duty on hides had been reduced to 20 colons per 100 kilos or 220.46 pounds.

SIAM.

Prohibition on Rice is Removed.

The prohibition on the export of rice was lifted on January 1, 1921. During the first six months of the coming year the Government will permit the exportation of 400,000 tons of rice.

SPAIN.

Removal of Duty on Rice.

A decree of February 1, 1921, permits the exportation of rice free of duty.

SWEDEN.

No Discounting of Drafts for Wood Pulp.

A cablegram from Stockholm says that the Council of Finance, an advisory commission appointed by the Government, whose chairman is the governor of the Riksbank, has issued a letter to all Swedish banks enjoining them to discount no further drafts issued in Swedish crowns representing payment for wood products and pulp sold to foreign countries.

SWITZERLAND.

Decisions of Swiss Food Commission.

The Swiss Federal Food Commission in a meeting at Berne on October 20, 1920, decided not to renew the interdiction against fruit exports.

TUNISIA.

Duty on Live Stock.

Tariff legislation provided that the local export duty on shipments of animals is henceforth not applicable to live stock destined from Tunisia to France and Algeria.

UNITED STATES OF AMERICA.

Export of Sporting Goods to Mexico.

The Department of State announces that it will receive and consider applications for permission to export from the United States to Mexico moderate quantities of the commodities hereinbelow specified, commonly known to the trade as sporting goods:—Shotguns; shotgun shells, loaded and unloaded; loading tools for same; sporting powder: percussion caps; primers; BB caps; .22 caliber rifles; .22 caliber cartridges and trapshooting materials of all kinds.

Packing of Dyes, in Powder Form.

The following regulations have been issued by the Post Office Department regarding the packing of dyes, in powder form, for shipmnet to foreign countries:

Dyes, in powder form, must not be accepted for transmission in the parcel post mails to those foreign countries admitting dyes in the parcelpost mails, except when the dyes are packed in a tin or metal container and such container inclosed in a substantial outside cover, open to inspection, of fiber board or similar material, double faced corrugated cardboard, or strapped wooden boxes made of material at least a half inch thick.

The inside tin or metal container must be one closed with a screw top cover having sufficient screw threads to require at least one and one half complete turns before the cover will come off, the cover of which must be provided with a washer, so as to prevent the use of compression (friction) tin top or metal containers, if soldreed in at least four places, or the use of the lead sealed tin or metal containers, provided the containers are labeled in printing so as to show the nature of the contents, the quanity and the name of the manufacturer or dealer and in addiiton, the containers are inclosed in substantial outside covers, open to inspection, or fiber board or similar material, double faced corrugated cardboard, or strapped wooden boxes made of material at least a half inch thick.

Acceptable packages of samples of dyes, in powder form, not exceeding 12 ounces in weight, and packed in accordance with the requirements of the Postal Union regulations, will likewise be received for transmission in the international parcel post service, when postage is paid at the rate of 12 cents a pound or fraction thereof.

Parcel Post Service to Hungary.

According to the Postal Bulletin of November 15, postmasters were informed that hereafter parcel post packages addressed for delivery in Hungary may be accepted without the Hungarian import licenses being produced by the senders. the Hungary office having advised that the necessary licenses may be obtained later by the addressees in Hungary.

II. IMPORT.

ALGERIA.

Prohibition on Pepper.

See "France" below.

Changes in Duties on Musical Instruments.

See "France" below

ARGENTINA.

Regulations for the New Tariff Law.

An Executive Decree issued August 7, 1920, regulates upon the subject of the new Argentine Tariff Law, No. 11022, as follows:

1. Although the general dispositions of the law are considered to be applicable from June 1, 1920, the increase of 20 per cent in the tarifa de avaluos (fixed tariff value) is not considered in force until July 7 past, the date of the decree.

2. The general increase of 220 per cent on the appraisements set in the official tariff which is provided for in article four of the tariff law is not applicable to those imports mentioned in article two of this law on which the appraisements and duties are specially modified.

(Article four provides for the general increase of 20 per cent in the valuations for customs purposes, while article two provides for certain other specified increases).

AUSTRALIA.

Regulation for Rate of Exchange.

"General order No. 643 of the Australian Department of Trade and Customs provided, in connection with importations of goods from countries which have adopted the gold standard, that the rate of exchange was to be taken in accordance with the mintage par rate.

This practice of the Department of trade and Customs has been overruled in the Courts, and that consequently the above mentioned general order has been cancelled. Importations into Australia from all countries will in future be dealt with, for duty purposes, on the basis of the bank rate of exchange current at date of shipment."

Regulations for Deposits on Duties.

The following regulation to importers has recently been issued by the Department of Trade and Customs:—

"Notice is hereby given that on and after 1st February, 1921, delivery of goods on depo it of duty on estimated values in the absence (non arrival) of invoices will not be permitted unless in exceptional circumstances. In such exceptional cases a statutory declaration will be required from a principal of the importing firm that the invoices have not been received and setting out the description of goods, country of origin, estimated fair market value for home consumption in country of export and purchase price, together with the source of such information. The importer will also be required to produce corroborative evidence of his estimated value for the goods. Delivery will then be given on deposit of duty on such estimated value plus 50 per cent increase or such further increase as may be considered necessary to protect the revenue and insure production of the necessary invoices, etc. This notice is given in order to enable importers to take steps to ensure receipt of documents from consignors in ample time."

Regulations for Tin Food Containers.

The following are the regulations as amended by Proclamation of the Commonwealth of Australia regarding tin food containers.

The importation into Australia is prohibited of any package, container, or appliance used for manufacturing, keeping or holding moist or liquid food substances which shall have in contact with such moist or liquid food surface.

(a) consisting wholly or in part of lead or zinc: or

(b) consisting of any metal alloy containing more than ten per centum by weight of lead or zinc; or

(c) tinned inside with a metal alloy containing more than one per centum by weight of lead; or

(d) containing enamel or glaze or india rubber or gutta percha which on boiling for thirty minutes with vinegar containing four per centum by weight of acetic acid yields lead or antimony to the latter; or

(e) containing more than one-fourth of one grain of arsenicum per pound of metal alloy or enamel or glaze or india rubber or gutta percha.

Changes in Duty on Spirits & Tobacco.

The changes so far have been increases, operative from September 17, 1920,and are as follows:—

Beer in bulk,3s, brandy, 31s, whisky,33s, and gin 32s, all per gallon; manufactured tobacco not specified, 5s. 4d; cut tobacco, 5s. 7d; cigarettes, 12s, cigars, 12s, all per pound.

Similar increases have been made in the excise rates on the above goods manufactured in Australia.

AUSTRIA.

A decree of Federal Finance Department published December 31st, 1920 provides that, as from January 1st, 1921, the Austrian Customs duties, when paid in bank notes, have to be paid at fifty times the rate prescribed by the Customs Tariff.

BELGIUM.

New Tobacco Law.

By the law of October 20, 1919, which enters into effect in October 1, 1920, the import duties on cigars and cigarettes are fixed at 1,200 franks per 100 kilos and on other sorts of prepared tobacco at 250 franks per 100 kilos. Raw tobacco, if stemmed pays 120 franks per 100 kilos, while other sorts, as well as tobacco substitutes, are charged 60 franks per 100 kilos.

Unmanufactured foreign tobacco of all sorts and qualities is subject to an excise tax of 80 francs per 100 kilos. Hereafter whenever a Belgian dealer places an order with his supplier he will forward, together with his order, the tax stamps to be placed on the cigars at the same time with their bands. This provision applies to both native and foreign manufacturers.

Restrictions on Certain Food Products.

The Belgian Ministry of Industry, Labor and Supply issued a decree on September 14, 1920, which revises the list of articles under its control which are now subject to import license without distinction of origin or the country whence imported.

The folowing articles are included in the list: Wheat and rye in sheaves, flour or grain; sugar, with the exception of molasses; slaughtered calves, veal and veal by-products; and butter.

BOLIVIA.

Change in Calculating Charges for Consular Invoices.

By a recent decree the Government has established that the charge of 2 per cent of the value of the goods for the certification of the Bolivian consular invoices shall be based upon the value of the goods as shown by the invoice of the manufacturer or bill of sale.

Free Entry of Certain Food Products.

The free entry of the following articles into the Amazon departments is allowed by a recent decree of the Government:

Sardines, sugar, condensed milk, corn, flour, wheat, dried beef, beans, peanuts, kerosene, edible fats, and sheep and cattle. Eight per cent is the limit for the profits on the sale of these articles.

BULGARIA.

Consular Invoice Requirements.

The Government requres a certified consular invoice for all imports, but invoices legalized by an American Chamber of Commerce or the municipal government of the locality wherefrom the goods are shipped are also recognized.

CANADA.

Drawback on Steel Sheets for Automobile Stampings.

Customs memorandum (No.2414B) of August 13, 1920 provides for the payment of a drawback of 99 per cent of the import duty on steel sheets, hot rolled or coated with lead or a combination of lead and tin, No. 16 gauge and thinner, but not thinner than No. 24 gauge, measuring 20-42 inches in width and 50-120 inches in length, used between July 31, 1920, and August 1, 1921, in the manufacture of stampings for automobiles. One of the conditions attaching to the payment of the drawback is that the original import duty on the steel sheets must have been paid within 12 months of the manufacture of the stampings.

CHILE.

Consular Invoice for Merchandise in Baggage.

According to a communication from the superintendent of customs at Valparaiso, to the administrator of customs the superintendent of customs directs the administrator to demand a consular invoice for merchandise imported as baggage provided the duty amounts to 40 pesos or more.

CHOSEN.

Revision of Customs Tariff.

The new legislation affecting the Chosen Customs Tariff, as passed by the recent special session of the Diet at Tokyo, was published in the Official Gazette of the Chosen Governor General on the 11th of August, 1920.

This legislation, which goes into effect on August 29, 1920, comprises the following measures:—

Law No. 50 abolishes Imperial Edict No. 331 of 1910 and subsequent laws relating to the assessment of duties on commodities imported into Japan from Chosen. The effect of this provision is that henceforth articles imported from Chosen, unless otherwise provided, will enter Japan duty free.

Law No. 51 provides that the following articles imported into Chosen from Japan, Formosa (Taiwan) and Saghalien (Karafuto) will be exempted, by ordinance from the internal revenue (consumption) tax of Chosen:—

Alcoholic liquor beer refined sake, beverages containing alcohol, soy, sugar, molases, syrup, textile goods, textile manufactures, petroleum patent medicines articles resembling patent medicines, playing cards.

Except in so far as otherwise provided, however, customs duties will, for purposes of local revenue, still continue to be levied according to the present rates upon articles imported into Chosen from Japan and the colonies.

Law No. 53, which is the principal measure, relates to the special provisions under which the Customs Tariff Law, Tariff Schedule, Bonded Warehouse Law, and Storage Law of Japan are to be applied to Chosen. A translation of this law follows:

Article I Articles mentioned in the acompanying schedule imported into Chosen shall be subject to import duties according to the accompanying schedule.

Article II. The folowingl articles imported in Chosen shall be free of import duty:—

1. Seeds for planting imported by the state, provinces, prefectures, villages, or other public bodies or juridical persons organized for productive enterprise, designated by the Governor of Chosen .

2. Implements, machinery, explosives, basic minerals, or chemicals used as solvents necessary for the digging, taking out, or refining of gold or copper in Chosen when imported by miners or refiners for their own use; provided, that this shall apply only to that which the customs deem proper.

3. Implements, machinery, explosives and chemicals necessary for iron and coal mining enterprises in Chosen when imported by miners for their own use provided, that this shall apply only to that which the customs deem proper.

4. Rolling stock and other appliances for transportation as well as their equipment and appurtenances, going in and out of the domain, for the transportation of passengers and goods.

5. Foodstuffs, fuel, and other articles of consumption for use on the rolling stock mentioned under the foregoing item:— provided, that this shall apply only to that which the customs deem proper.

6. Articles free of duty imported into Chosen by persons who have hitherto received permits of free entry.

Article III. When implements, machinery, or other material necessary for equipping a plant which can produce at one place in Chosen in one year 35,000 or more metric tons of pig iron or steel, or a plant which can increase its production at one place within one year by 35,000 or more metric tons of pig iron or steel, are imported into Chosen they shall be exempted from imported duty in a manner to be determined by the Governor General of Chosen.

The provisions of the foregoing paragraph shall also be applicable when a person establishing the equipment mention in the foregoing paragraph imports into Chosen implements, machinery, or other material necessary for the manufacture of by-products designated by the Governor General of Chosen.

Additional Changes in the Tariff.

The Government of Chosen have just announced that drawbacks are to be granted on raw materials imported for the manufacture of leather goods and cigarettes. The rate of drawback on leaf tobacco is 20 per cent ad valorem. The rate on tanned hides, horse skins, buffalo skins, sheep skins and goat skins is 20 per cent ad valorem. The same rate is also granted on imported dyed, painted or colored leathers. On sole leathers the rate of drawback allowed is yen 12.50 per picul. On Indian Red leathers the rate is yen 9.50 per picul

COSTA RICA.

Articles Exempt From Duty.

A decree dated May 31, 1920, provides that the following articles may be imported free of duty beginning January 1, 1921: Drills, printed cottons, blankets, linens, cotton covers.

A law regulating sale of sugar was promulgated under the date of August 5, 1920. Article 8 of this law exempts from customs duty the importation of the following articles: sugar mills, sugarpans, machinery for sugar mills and metal containers for the sugar industry.

DOMINICAN REPUBLIC.

Narcotic Drugs Law.

The importation, manufacture, sale, etc., of narcotic drugs are restricted by a law of December 17, 1920.

FRANCE.

Changes in Duties on Musical Instruments.

A decree of August 29, 1920, published in "Le Journal Officiel" for September 4, substitutes ad valorem duties for specific rates on the folowing articles: (Items ex604 and 605) Pianos and separate parts and organs, harmoniums, instruments with free reeds, metallic, of one or more stops; complete pipe organs; barrel organs, mechanical instruments with pipe controlled by means of cylinders, interchangeable or not, whatever be the motive power; mechanical pipe organs, pianos with organ pipes reproducing the effects of the violin, flute, or clarinet, orchestrions, etc., played by means of perforated cardboard or paper, what ever be the motive power instruments with strings for striking or reeds, played mechanically by means of a cylinder, interchangeable or not, of perforated cardboard or paper, wha tever be the motive power; additional cylinders for such instruments; hand organs, amstons, manopans, and other instruments with free reeds, played by means of perforated cardboard or paper, including separate parts thereof, 35 per cent ad valorem: phonographs, gramophones, and the like, of more than 10 francs in value; phonographs, gramophones, and the like with cylinders or disks, with or without a screw for stimulating the diaphragm, put together or not; movements, accessories, separate parts, cases and horns, together with cylinders and disks of mineral wax or any other material plastic or not, blank or not, 25 per cent ad valorem.

The decree applies also to Algeria.

Prohibition on Pepper.

A decree of November 8, 1920, published in "Le Journal Officiel" for November 13, prohibits the importation of pepper into France and Algeria.

Change in Coefficients.

A decree of November 5, 1920, published in "Le Journal Officiel" November 6, establishes 2.6 as the coefficient for (ex-84) grapes for wine making, wine residues, and must; (item 170ter) alcoholized grapes (item 173bis) raisin wines and other beverages not specified in the tariff.

GEORGIA.

Prohibition on Articles of Luxury.

The chief of the department of customs has advised all offices under his control that, pursuant to the government's decree, the prohibition of the importation of articles of luxury from abroad became effective September 4, 1920.

GERMANY.

Importation of Merchandise by Parcel Post.

Merchandise of all kinds, except as hereafter provided, may be imported into Germany only by permit or license issued by the Imperial Commissioner, Tiergartenstrasse 31, Berlin, W10.

A permit or license is not necessary for the following merchandise:

1. a. Goods free from German customs duty, excluding precious stones or pearls or articles ornamented with precious stones or pearls valued at more than 200 marks. Other restrictions, however, may be prescribed by the imperial commissioner. The merchandise considered as free from customs duty are sample cards and samples which can be used only as samples up to a weight limit of 350 grams (12 ounces), with the exception, however, of samples of foodstuffs destined for consumption, it being, nevertheless, permitted to import by mail up to a weight limit of 12 ounces of samples of coffee, cocoa sugar, raw tobacco, and dried fruits.

b. Drawings and other like objects destined to serve as models for the execution of orders from abroad when such objects are not accompanied with specifications.

c. Foodstuffs destined for personal use of the importer when the following restrictions are complied with:

Each parcel should contain only 1 kilo (2 pounds) of each of the following articles: Margerine, fats, bread and other bakers' articles, pastes, macaroni, sweetmeats, confectionery; other merchandise under customs tariff No. 202—tea, coffee, and products of cocoa and chocolate.

Each package may contain soap, candles, and starch not to exceed a total weight of 5 pounds, but no packages should contain any of the following articles, viz, butter, meat, and meat articles, lard, flour, sugar, pineapples, ginger, vanilla, caviar, caviar substitutes, caviar pickles, crabs, lobsters, and oysters.

2. a. Articles to be finished or repaired and returned to the country of origin, except precious stones or pearls or articles ornamented with precious stones or pearls, with such exceptions, however, as prescribed by the imperial commissioner.

b. Articles destined for the diplomatic representatives of foreign countries articles intended for the domestic use of the legations, as well as food products, pieces of dress goods and articles of current use for the consuls accredited in Germany, to members of their families, or to their foreign personnel; or

c. Parcels sent by authority of a certificate issued by a consul.

3. Foodstuffs and personal effects sent as gifts and for the personal use of the addressees will be admitted by German customs officers free of duty, who, however, must be satisfied that the foodstuffs and effects are really gifts and destined solely for the personal use of the addressee and members of his family.

4. Ship's provisions destined for the exclusive use of the ship.

Independently of the merchandise mentioned in the foregoing, certain articles may be imported without special authorization, these articles being as follows:

American aloes; asbestos, raw and milled, fibres; balata, raw or cleaned or the refuse of same; beans, raw, in pieces, scorched or roasted, not hulled to be used for food for cattle, kidney, edible; books in all languages, including printed or manuscript prayer books, the same with images in the text, charted or added, of every kind, books printed in characters for the blind; all these books can be also bound; buttons, glass cloths, refuse of, destined for other purpose, strips of; cocoa fibres; cotton, raw, refuse of the harvest of, bleached, dyed, carded, combed and thrown, refuse of bleached or dyed cotton, coming from the carding, combing threading, weaving, or loom; eiderdown, vegetable; flour, scorched or roasted, coming from papilionaceous plants; gutta-percha, raw or cleaned also the refuse of; hair, animal, macerated hair of hares, including the silky hare, rabbits, beavers, monkey, musk and other curled hair coming from large cattle, swine bristles, and other large hairs of animals also mixed with other animal hair or with fibrous substances of the vegetable kingdom, raw and boiled; horsehair curlings, the same mixed with the hair of other animals or with fibrous vegetable substances; Journals, reviews, lenses of cut or uncut glass for the making of pocket lamps; lentils; necklaces, glass peas, including the hulls; rice starch, refuse of, fit only for fodder, residue of the distillation of rice, also dried; hemp, tow of; ramie, jute and jute tow; manila hemp, tow of; ramie, jute and jute tow; manila hemp and tow; agave fiber; pineapple fiber, esparto fiber, fiber of cocoa and eiderdown; peat wool, forest wool, and other vegetable textile substances; paper, written or printed, considered as waste; pearls, glass and wooded; pendants, glass; pineapples; refuse of uniform wool or of dyed wool coming from carding (wool flakes) of thread making, including the torn ends, of weaving or cloth cutting, wool hair, etc., refuse of other animal hair worked; rice polished or unpolished refuse of coming from the hulling and polishing of the rice, fit only for fodder; rubber, raw or cleaned refuse of; scissors, vine; silk, raw, not dyed, of the mulberry tree, silk work of the oak silk worm, of the tussah silk worm, refuse of; silk hair, refuse silk, uncombed combed, threads of silk, not dyed, simple, double, silk threads; sparta fibers, sparta herb, alfa grass; stones, glass, textile substances, raw bleached, macerated, pealed, towed, unstarched, carded and combed, dyed, refuse of these articles destined for spinning; thread and other fibres of agave; tubes, glass, for

lighting; wool, raw, unwashed, mother, washed, after the shearing, refuse of; forest and other vegetable textile substances, also the refuse of these substances not otherwise named, sheep's also tail wool and other animal hair, dressed bleached, dyed, also under the form of rings fulled or milled, carded or combed, except artificial wool, marine wool, wool of crossed animals, wool combings.

With respect to packages containing merchandise sent as gifts and referred to in paragraph 3, such packages and the customs declarations attached must be marked "gift packages" for the information of the German customs authorities.

GOLD COAST.

Prohibited Importation of Dyestuffs.

By an ordinance passed by the Legislative Council of the Colony on May 25, 1920, and assented to by the Governor on May 29, the importation of the following dyestuffs is prohibited, except under license by the Governor:

All derivatives of coal tar generally known as intermediate products capable of being used or adapted for use as dyestuffs other than articles which are the produce or manufacture of some part of the British Empire; and all direct cotton colors, all union colors, all acid colors, all chrome and mordant colors, all alizarine colors, all basic colors, all sulphide colors, all vat colors, including synthetic indigo,) all oil, spirit and wax colors, all lake colors, and any other synthetic colors dves, stains, color acids, color lakes, leuco acids, leuco bases, whether in paste, powder, solution or any other form, other than articles which are the produce or manufacture of some part of the British Empire.

These goods imported except under license will be forfeited to the Government, and may be destroyed or otherwise disposed of of as the Governor may direct.

GREAT BRITIAN.

Fixed Rates on Tinned Fruits.

The Board of Customs and Excise of the United Kingdom is prepared to consider applications for the approval of fixed rates of customs duty on large and regular consignments of standard brands of imported tinned fruits, based on the percentage of sugar or other sweetening matter (exclusive of saccharin) used in the manufacture or preparation of the goods as an alternative to the entry of the goods under the appropriate tariff rating. Applications for fixed rates must be accompanied by a declaration and undertaking given by the overseas manufacturer, in the forms provided by this notice. The declaration and subsequent undertaking must give the required details of each brand or mark of each descriptive of fruit for which a fixed rate is sought. If the goods contain any sweetening matter other than sugar, the forms should be altered accordingly.

Rates of duty will be fixed as soon as the declaration made by the importer or importing agent has been confirmed by official analysis of a sufficient number of samples drawn. Meanwhile, immediate delivery of the relative brands will be permitted, on deposit of duty at the appropriate tariff ratings which will be adjusted when the fixed rates of duty have been approved by the board .

Food Regulations.

The Food Controller reports that, with a view to assisting the hop-growing industry, hops may not be imported except with a permit.

The maximum prices for eggs have been also cancelled.

GREECE.

Method of Payment of Duties.

By a Royal Decree dated June 27 (July 9), 1920, it is provided that in future wherever a rate is set forth as payable in gold, collection shall be made at the rate of 1.45 drachmas paper to 1 drachma gold. This decree is in effect from the date of its publication.

INDIA. (BRITISH).

Reduction in Duty on Printing Machinery.

The Governor General in Council has exempted the following articles used for printing and lithographing purposes from so much of the import duty leviable thereon as is in excess of 2½ per cent. ad valorem:—

Galley presses, proof presses, arming presses, copper plate printing presses, ruling machines, ruling pen making machines, lead and rule cutters, typecasting machines, typesetting and casting machines rule bending machines, rule-mitering machines, bronzing machines, leads, wooden and metal quoins, shooting sticks, and galleys.

ITALY.

Abolition of "Most-Favored-Nation" Clause.

Steps to terminate the provisions of the Italo-German Treaty of December 3, 1904, and Italo-Austrian Commercial treaty have been taken.

The effect of the measures referred to above is that goods of certain kinds imported into Italy from other countries entitled to most-favored-nation treatment are now subject to the rates of the Italian "General" Tariff, instead of to the reduced duties applicable under the pre-war "Conventional" Tariff. The goods in question (in respect of which it will no longer be necessary to produce certificates of origin) are those covered by the schedules of Italian import duties annexed to the above-mentioned Italian Treaties with Austria-Hungary and Germany, and not covered by a Treaty between Italy and other States which is still in force.

ITALY.

Changes in Restrictions.

Notice has been received from the Ministry of Finance that the importation of the following commodities has been authorized:

Small tubes, shuttles, and bobbins made of paper or cardboard for weaving and spinning.

Wheat flour may be imported by biscuit manufacturers if utilized for the manufacture of biscuits for export. The export permits for biscuits, as well as the import permits for flour, given under this new ruling are subject to control by the Ministry of Finance. For the present, rye and rye flour cannot be imported without an import permit.

Increase in Duties on Automobiles and Tractors.

The Government has just decreed radical increases in the rates now in force.

Effective September 15, 1920, passenger automobiles with or without bodies, trucks, traction engines, including farm tractors, motor driven street cleaning apparatus and motor fire engines will pay the following duty in gold per quintal:

	Lire
Weighing not more than 400 kilos	20
Over 400 kilos up to and including 900 kilos	115
Over 900 kilos up to and including 1600 kilos	65
Over 1600 kilos up to and including 2500 kilos	75
Over 2500 kilos up to and including 4000 kilos	95
Over 4000 kilos	60

Automobiles with or without bodies, weighing not more than 2500 kilos will pay also a surtax of 25 per cent ad valorem.

Automobile bodies will be classified as automobiles. On automobile parts the following new duties, gold per quintal, will be established:

On frames, 70 lire; gear shifts, 110 lire; rear axles, complete, 90 lire; all plus a surtax of 30 per cent ad valorem.

The restrictions on the importation of motor trucks have been removed, effective October 29, 1920.

A ruling extends to farm traction engines, weighing not more than 2500 kilos, the surtax of 35 per cent ad valorem above the regular duties thereon. This decision places these tractors in the same class as automobiles of the same weight.

Payment of Duties in Paper.

Effective February 17, 1921, import duties when paid in paper instead of gold will be increased 300 per cent.

JAMAICA.

Regulations for Petroleum Products.

An amendment to the petroleum law now permits the importation of kerosene and gasoline in steel or tin vessels. The tins must contain 4 imperial gallons (1 imperial gallon equals 1 1-5 American gallons). Each tin and the box must be marked with the following:

Highly inflammable. Do not approach this vessel with light or fire of any description.

JAPAN.

Tariff Revision.

The new tariff reform law to prevent "dumping" and to protect new industries was passed by the Diet and went into effect on August 1, 1920.

Customs Tariff Law.

(Law No. 54 promulgated April 15, 1910, amended by the laws Nos. 8 and 9 of 1912 and the law No. 36 of 1914 and by the law No. 9 of 1916).

Art. V. "When the staple industries of Japan are threatened by the importation of unreasonably cheap goods, or by the sale of imports at an unreasonably cheap price, the Government, by Imperial ordinance, after investigation by a board of inquiry, is authorized to designate those commodi-

ties for which during a certain period special import duties, in addition to the regular schedule, shall be paid, not to exceed, however, the value of the article itself."

"Regarding commodities which have been thus designated which have already been imported, and which are owned or possessed by a merchant or his representative, the Government is authorized to levy superduties for such commodities from the seller or his representative, in accordance with the preceding paragraph. The super duties provided in the preceding paragraph shall be collected after the method of collecting national taxes."

Art. VII. The following articles are added to the free list:

4. Mineral oils for fuel purposes imported by the Government.

4. (2) Mineral oils for fuel purposes which the specific gravity exceeds 0.904 at 15 deg. C., but which as defined by an order are only imported by permission of the Government.

Note.—The former provision for the free admission of mineral oils reads as follows:

"Mineral oils, other than the crude oils, imported for use by the Army or the Navy, with a specific gravity O.975 at 15 deg. C."

23. Animals for breeding purposes, serums for the immunity from diseases, innoculation media for the prevention of diseases of animals imported by provisional, prefectural, or other public bodies, legal persons engaged in the industries named by the Government, or persons who were permitted by the Government.

Art. VIII. The following addition is made to the list of articles exempted from import duty if they agree to be re-exported within one year:

8. Commodities imported for the purpose of exhibit at competitive exhibitions and prize shows.

Charges in Duties.

Duties are increased on sake (item 61) and chinese liquors, fermented (item 62) to Y2420; beer, ale, porter and Storct (item 63) to Y16.40; wines (item 64) is increased by Y7.80; champagne and other sparkling wines (item 64) to Y108.00; alcoholic liquors, not otherwise provided for (item 66)—(1) to Y27.80, (2) A—to Y124.00 and (2) B— Y73.90, Note—to Y1.28; alcohol (item 197), denatured alcohol (item 198) and alcoholic medicinal preparations (item 220) to Y1.00; metal or woodworking machinery (item 596) (1) to Y50.00, (2) to Y30.00, (3) to Y19.00, (4) to Y17.00; (5) to Y15.00, (6) to Y13.00, (7) to Y9.10, (8) to Y8.00, (9) to Y5.10 and (10) to Y4.70.

Ad varolem duties are imposed on liquorice extract (item 141-2) at 10 per cent; artificial indigo (item 237) at 20 per cent; wood, other than mentioned specially in tariff (item 612, (2) (D) at 25 per cent; bromine (item 151-2); salicylic and acetyl salicylic acid (item 157), salicylate of sodio theobromide (item 172), hydrobromic acid, potassium bromide and other bromides not otherwise provided for (item 179, antifebrin (item 206), chemical products derived from the fractional distillation of coal tar, except carbolic acid, salicylic acid, bakelite and medical drugs and essences other than benzoldenhyde, nitrobenzol and nitrotoluol (item 215), and coal tar dyes not otherwise provided for (item 243) at 35 per cent.

On the free list are placed: Shellfish for breeding purposes (item 9); silkworms' eggs (item 10-2); zoom nuts and other similar nuts for button manufacture (item 28); oil seeds not named in a separate number (except paulownia seed) (item 29-3); salt (item 67-3); furs of sheep and goats, other than tanned (item 69-1); tortoise shells (item 87); olive oil in can or barrel (item 98); beef tallow (item 108-2); vegetable tallow or wax obtained from the seeds of the "tsillingia Sebifera" (item 115-2); liquorice (item 123); ipecacuanha root (item 125); cassia and cinnamon bark (item 127); conchona bark (item 128); patchouli leaves (item 128-2); ryutan or gentian root (item 129; rhubard (item 130); apricot seed and bitter almond (item 132-2); nux vomica (item 132-3); ergot of rye (item 133); cloves (item 137); pitch and asphalt (item 259); gypsum uncalcined (item 423-1); minerals and manufactures thereof, not other wise provided for (item 435 (1) and (2) A); matte, bottom or mineral dust (item 458); iridium, osmium, palladium, rodium, indium and ruthenium (item 459); the following waste or old metals fit only for remanufacturing: copper (item 464-4); brass and bronze (471-7); wood, cut, sawn or split simply, cedar and other not exceeding 65 millimeters in thickness (item 612 (1) F1 and F2b); match splint (item 612 (2) C); wheat bran (item 644), and rice bran (item 645).

Renewal of Duty on Wheat and Flour.

The duty on wheat and flour, which in the case of wheat was taken off altogether, while the duty on flour was reduced from 1.85 yen per picul in March, 1919, is now to be put back on the old scale, which is as follows: Wheat, 0.77 yen per picul. Flour, 1.85 yen per picul (133 pounds).

The Government also decided to revoke the ordinance which suspended the duties on rice and other grain. These changes have taken effect on November 1.

Free Import of Live Stock.

The Minister of Finance has just announced that certain bodies or unions of live stock men are now privileged to import free of duty live stock for the improvement of breeding in Japan. Applications for import of horses must be addressed to the Minister of War, while licenses for import of all other animals will be given by the Minister of Agriculture and Commerce.

Prohibition on Certain Plants.

The Government Gazette of August 13, 1920, contained an announcement of regulations which prohibited the importation of the following plants or of articles used as containers or wrappers of seed plants:

Raw fruits or raw vegetables originating from or that have been landed in Hawaii; cucumbers, watermelons, muskmelons, pumpkins, and fruits of other cucurbitaceae and tomatoes, string beans and stringed peas originating from or that have been landed at Taiwan, British India, Burmah, British Straits Settlements, Sumatra, Java, Borneo, Celebes, the Philippines, and other localities between 30 deg. south latitude and 30 deg. north latitude and between 60 deg. and 170 deg. each longitude; apples pears, quince, peaches, plums and apricots and walnuts originating from or that have been landed at or in Europe, United States of America, British Canada, South African Union, Australia, Tasmania, New Zealand, or Brazil.

The ordinance will be in effect on and after October 15, 1902.

LATVIA.

Changes in Duties.

The following items are added to the list of goods which may be imported free of duty: Eggs, flour, vetches, clover, timothy grass, cat seed, flax, linseed, rags and stamps.

Motor vehicles will be dutiable at the rate of 2 per cent ad valorem, while tin plates, cocoanut oil, waterproof overcoats and locomotive axles, at 5 per cent ad valorem; rubber footwear, at 10 per cent ad valorem; and hair pins, sewing needles, thimbles and ready made corks at 25 per cent ad valorem.

MALTA.

Regulations for the Control of Narcotics.

The sale in the Maltese Islands of all drugs in medicinal doses is reserved to the apothecaries only under article 60 of the Second Sanitary Ordinance. The Opium Ordinance 1913 regulates and retsricts the importation, storage, and disposal of opium, morphine, cocaine and similar drugs.

With the exception of licensed chemists, physicians, surgeons and dentists, who may be authorized to withdraw from customs specified quantities of the substances mentioned in the Opium Ordinance 1913, there are no authorized dealers in narcotics in the Maltese Islands. In the cases of the classes of persons mentioned they must be specially authorized in writing in each particular instance, by the medical officer of health or the head of the Government, before they may withdraw narcotics from the customs.

MEXICO.

Changes in Duties.

Changes in the schedule of the Mexican import tariff reclassify condensed, evaporated and powdered milk and opium and opium extract without affecting the rate of duty. The duty on cotton textiles with mixture of gold, silver or platinum threads has been increased from 6 pesos per legal kilo to 25 pesos per legal kilo, and on silk textiles with mixtures of gold, silver or platinum threads from 25 pesos per legal kilo to 40 pesos per legal kilo.

The duty on iron piping exceeding 15 centimeters inside diameter has been removed from October 20, 1920.

NEW ZEALAND.

Goods From Enemy Countries.

"The New Zealand Gazette" has published an Order in Council revoking the Order in Council prohibiting the importation of products from Germany, Austira-Hungary, Bulgaria, and Turkey, and has made it possible for the impor-

tation of products from Germany, as now constituted, or Austria, other than territory that is now territory of Czecho-Slovakia, or of the Kingdom of the Serbs, Croats and Slovens, or of the Kingdom of Italy that was a portion of Austria-Hungary in 1914, if the manufactured articles or products contain as much as 5 per cent of the value thereof manufactured in Germany or Austria, and this only after securing a permit from the Minister of Customs in New Zealand.

If a collector of customs has reason to believe or suspect that any goods imported into New Zealand are goods the importation whereof is prohibited by this Order in Council without the leave of the Minister of Customs, the collector may detain those goods, and they shall not be delivered from the control of the customs until the collector is satisfied by such evidence as he requires, that the goods are not goods the importation whereof is hereby prohibited, or the Minister of Customs consents to the importation of those goods or to the exportation thereof.

If the invoice for any goods imported into New Zealand from any country contains or is accompanied by a certificate signed by the exporter to the effect that less than 5 per cent of the fair market value in the country of export of each article in its condition as exported has its source in Germany or Austria, such certificate shall be accepted by the collector of customs as sufficient evidence that the goods are not goods the importation of which is prohibited within the meaning of this order, unless the collector has reason to believe or suspect that the certificate is false or erroneous.

NORWAY.

Prohibitions on Luxuries.

The importation of the goods specified below has been prohibited from August 19, 1920. These prohibited goods may, however, be admitted if the shipping documents show that they were shipped before midnight of August 18, or, in case of imports by parcel post, if the despatch note is stamped by the Norwegian postal authorities not later than August 25, 1920. License granted will be valid for three months from the date of issue. The import prohibition does not apply to transit goods.

The goods on the prohibited list are as follows:

(Item 56) Cotto blonde, lace, insertions and the like; (items 159-170) ornamental feathers, whether prepared or not, and other feathers (not including bed feathers), and manufactures thereof; (item 213) glass wares (other than those specifically mentioned in the tariff), cut, etched, sandblasted, painted, gilt or ornamented or decorated otherwise than by molding or pressing; (items 244-246) hats trimmed with flowers, feathers or lace; hats of pure or mixed silk, including tall hats and opera hats; other hats, if trimmed with silk or mixed silk material; (items 264-265) grand and upright pianos; (item 276) talking machines such as phonographs, gramophones, and the like, with cylinders, disks, and other appurtenances, including receiving apparatus and parts thereof; (item 293) common pottery, other than unglazed, unpainted, or uncolored; (item 296) porcelain (china) and biscuit ware (not including patent stoppers); items 367-369) lamps (not including household lamps) and parts of lamps (except counterweights, chimneys and globes), candelabra, brackets and parts of the same, candlesticks and lanterns; (item 371) toys of all kinds and of any material, and parts thereof; (item 404) linen, hemp, jute, etc., lace, blonde, insertions, embroidered lengths and the like; (item 422) paintings and drawings unframed; (items 453-456) gold, silver, and platinum wares except plates and wire and articles set in these metals; (item 57)) pearls' real or imitation) and glass beads, whether combined or not with other materials; (items 623, 625, 626) silk goods, the following—blonde, lace, and embroidered bands, insertions and the like, bobbinet and tulle, and other goods (except twist and seive gauze) of silk alone or combined with other materials; (note—goods of the kinds included in items 623, 625 and 626, are also prohibited if they are sewn, embroidered or otherwise made up); (item 645) boots and shoes of silk cloth or containing silk, boots and shoes of patent, shagreened, bronzed, tawed varnished or alum tanned leather, and real or imitation kid, whether or not combined with leather of other kinds; (items 653-755) dressed fur skins and feathered skins, whether sewn together or not; made up furriers' wares; (items 675, 676) wares of marble porphyry, syenite granite, labrador, sandstone, and other similar stones (not including paving stones and rough hewn blocks), and of alabaster, kalipasta, and the like; (item 717) wooden rods, beading and frames with real or imitation gilding, beadings or lacquered; (item 721-723) furniture and parts thereof, of, or veneered with, oak, ash, beech; of pear tree wood, jacaranda, walnut, mahogany and other exotic woods; also real or imitation gilt wares of any wood; furniture and parts thereof, upholstered or padded, in which the joinery is not the essential feature; (item 751) woolen carpets and carpeting; (item 757) woolen blonde, lace embroidered bands, insertions and the like, and bobbinet and tulle; (items 785-790) carts and carriages for carrying persons, whether or not varnished and with or without upholstery and leather work; and (item 794) sledges (other than children's and industrial sledges), if varnished, upholstered, or with leather work; motor cars for passenger traffic; motor cycles, with and without side cars, and cycle cars.

Licenses for Certain Shoes.

The Government will grant import licenses for shoes made of glazed kid or imitation glazed kid if they contain no patent leather.

Addtiional Restrictions.

"In accordance with law of March 22, 1918, No. 5, paragraph 2, by authority of royal resolution of August 17, 1920, the import prohibition of August 19, 1920, is from this date (September 11, 1920) extended to apply also to the articles and goods listed below, which it is forbidden from this date to import into the country unless import licenses are first obtained from the Department of Commerce. For the items marked with a star (*) licenses will be issued if such articles are not deemed to be luxuries. For the other articles listed permission to import will be granted only in th most exceptional cases.

"Application for import licenses must be made on the authorized blanks provided by the department.

"When shipping documents prove that goods were loaded for shipment before midnight of September 10, 1920, the same may be imported without special permission upon application therefor to the Norwegian Customs Service. This also applies to goods arriving by parcel post when the postal documents indicate that they have been stamped by the Norwegian Postal Department not later than September 11, 1920. This import prohibition applies to new as well as to used articles and goods."

The following goods are affected by this order:

Artificial flowers; umbrellas and parasols covered with silk or with any silk attached; neckwear of silk or half-silk; ribbons and belts of silk; gloves and mittens of silk or half silk; floor coverings composed entirely or for the greater part of hair; wall hangings and Gobelin tapestries of wool; (*) toilet articles; (*) barbers' supplies; (*) sewing and writing articles; (*) pocketbooks; (*) notebooks, etc; (*) brief cases; (*) albums; (*) portemanteaus; (*) women's pocketbooks and small bags, made of skin or silk; trunks, traveling bags and other travelers' requisites made of skin or leather; (*) furniture and other cabinetmakers' work of birch; perfumes; perfumed toilet soap; cakes, including cookies, crackers, etc., containing vanilla, almonds, cocoanut, citron, honey, sugar, sirup or similar articles; chocolate; candies, including chocolate candy, drops, marsipan and other confectionery; apples and pears, fresh, dates; preserved fruits of all kinds; cigars and cigarettes.

PALESTINE.

Changes in Duties.

From 31st August, 1920, the following goods are subject to 3 per cent ad valorem duty for a period of two years:

Timber—hard or soft woods in the round, balk, or sawn square, for house building or constructional purposes, including prepared joinery, such as doors and windows, with or without frames and the like; laths for blinds; jalings; pickets, dressed or undressed; architraves, mouldings and skirtings of any material; picture and room moulding; woodware for vehicles; wood, all articles made of, not included elsewhere, whether partly or wholly finished.

Iron and steel bar, round, square or flat, up to 4 square inches in section, and of any length.

Plates and sheetings including tin plates, galvanized or corrugated.

Sections, rolled iron or steel of H, channel, angle, or other shape excluding all articles of brass, coper and lead, and such articles of iron and steel lined or plated with brass, copper, or lead; pipes and tubes; wrought and cast-iron fittings for pipes; metal parts of machinery; and manufactures of iron and steel not otherwise stated.

Glass—Window glass, ordinary (excluding plate-glass, looking-glasses and mirrors, whether mounted or unmounted).

Bricks—Hollow bricks for partitions; slates for roofing (excluding plaster of Paris, limes and having a lime basis).

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PARAGUAY.

Analysis for Food Products.

By a decree issued on May 17, 1920, all imported food products must have a certificate of analysis from the municipal bureau of chemistry before they can be cleared from the custom house of the capital. This measure is intended to prevent the entrance of food which is unfit for consumption.

PORTUGAL.

Free Entry of Certain Food Products.

According to a decree of September 6, 1920, the following food products may be imported free of duty: Meats, fresh, smoked, or prepared in any form; bacon, fresh or prepared in any form; leaf lard, lard refined or prepared in any form; olive oil; butter; margarine; edible vegetable fats.

Frozen meats destined for consumption in Lisbon are exempt from payment of the consumption tax levied on fresh meats.

By a decree of September 7, 1920, rice millet, potatoes, and pulses may be imported free of duty. The trade and transit within the country of these products are free.

RUMANIA.

Import Surtaxes.

The ad valorem import surtaxes on articles of luxury imported into Rumania, established by Articles 2 and 3 of Decree Law No. 2969, of July 10, 1919, and the commission tax of 2 per cent ad valorem on all imported goods, have hitherto been paid in lei by converting the invoice price into lei at the rate of exchange officially fixed. The Ministry of Industry and Commerce have issued a ruling, dated September 29, to the effect that, as from October 1, 1920, the above mentioned taxes shall be calculated by converting the currency of the invoice into lei at the exchange rate of the day.

RUSSIA.

Payment of Duty in Vladivostok.

By the new law which the local authorities have adopted customs duties and port and customs dues and fines are to be paid in gold or the equivalent of gold.

SALVADOR.

Restoration of Duties.

"El Diario Oficial" for September 16, 1920, carried a decree of September 11, which reestablished the import duty of 5 centavos (gold) per kilo on all automobiles except trucks for industrial, agricultural and commercial purposes, and farm tractors. The duty on gasoline oil will also be 5 centavos per kilo. This decree goes into effect 12 days after publication with reference to gasoline, and in 30 days for automobiles.

Duty on Electric Pans, Ranges and Irons.

By a decree published in "El Diario Oficial" for October 8, 1920, the duty on electric pans, ranges, irons, curlers and soldering irons will, beginning with that date, be determined by the component materials instead of at the flat rate of 10 centavos (American gold) per kilo, fixed on December 17, 1918.

SPAIN.

Removal of Duty on Cement.

The Government has removed the duty of 0.50 peseta per 100 kilos ($0.043 per 100 pounds) until further notice, effective from December 1, 1920. Cement will be subject to an export duty of 5 gold pesetas per 100 kilos.

Free Importation of Newsprint Paper.

By royal order of August 5, 1920, published in "La Gaceta de Madrid," August 8, paper comprised within tariff sections 408, 409 and 410 will be admitted into Spain free of duty until further notice.

SWITZERLAND.

Decisions of Food Commission.

The Federal Food Commission in a meeting at Berne on October 20, 1920, decided to allow the large centers of consumption to import fresh meat and butchers' meat on the hoof.

TRINIDAD.

Customs Duty Changes.

All foodstuffs, cattle feeds and cotton prints are now admitted free of duty from the British countries, while on those commodities for other countries the duty is reduced 50 per cent. Machinery of British origin has been placed on the free list, but the duty on foreign machinery has been increased from 2½ per cent to 5 per cent. Most classes of manufactured goods, including apparel and hardware, formerly paying 10 per cent without preference, and goods such as paper, shoes, motor cars, paying 8 per cent preferential rates and 10 per cent general rates will hereafter be dutiable at 10 per cent preferential and 15 per cent general rates. Duties on luxurious articles such as jewelry, perfumery, plated ware, and pleasure motor cars have been doubled. All ad valorem duties are computed on values converted into Trinidad money at the market rate of exchange on the day the duty is paid. These duties came into effect on November 5, 1920.

TUNIS.

Relaxation of Restrictions.

A Bey's decree of August 12, 1920, published in the Tunisian "Le Journal Officiel" for September 22, abrogates the decree of May 10, 1920, which extended the French import restrictions of April 23 to Tunis. There are, however, a few specified commodities including firearms and foodstuffs, tea, alcohol, and gunpowder which are still prohibited or specially restricted.

UNION OF SOUTH AFRICA.

Merchandise in Parcel Post.

The Pretoria office has given notice that the war duty of 5 per cent ad valorem has recently been abolished on wearing apparel, other than articles composed of or containing silk or imitation silk; consequently it is essential that the material of articles of clothing be fully described on the customs declarations to show whether of wool, cotton, or silk.

Prohibition on Wheat, Flour and Meal.

Under date November 18, 1920, importation into South Africa of wheat, flour and meal is prohibited until further notice. By a notice in the Union's "Official Gazette" for January 6th, 1921, this prohibition is extended to barley.

UNITED STATES OF AMERICA.

Marking of Bags for Vegetables.

The Treasury Department gave a recent ruling to the effect that bags or sacks containing imported potatoes, turnips and similar articles may be admitted to entry without being marked to indicate the country of origin.

URUGUAY.

Windmills Exempt from Duty.

By a decree of September 10, 1920, windmills and their accessories and spare parts are declared free of duty when imported under regulations made by the decree of September 14, 1912, for the importation of seeds, machinery and implements, etc., for agriculture.

VENEZUELA.

Since September 19, 1920, import permits must be obtained for telephone and telegraph equipment and supplies before shipment is made. The requirement is in effect at once.

In this issue: RUSSIAN PEACE TREATIES!

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TAXATION OF FOREIGNERS RESIDENT IN GREAT BRITAIN.

By Robert P. Skinner, U. S. Consul General in London
and
Keith Merril, U. S. Consul in London.

Income tax in Great Britain is collected pursuant to the provisions of the income tax act, 1918, rule 1 of which provides that the tax shall be charged in respect of annual profits or gains arising or accruing to any person residing in the United Kingdom from any kind of property whatever, whether situate in the United Kingdom or elsewhere. Rule 2 of the miscellaneous rules privides that unless a persons spends in the United Kingdom a period or periods of time amounting in the aggregate to six months, he is not to be charged with United Kingdom income tax in respect to income from possessions or securities out of the United Kingdom.

The income tax act of 1918 goes on further to explain that in the case of any person who satisfies the Commissioner of Inland Revenue that he is not domiciled in the United Kingdom, even though he may have remained physically in the United Kingdom for a period or periods exceeding six months, the tax shall be computed "on the full amount, as far as the sum can be computed, of the sums which have been or will be received in the United Kingdom in the year of assessment."

Incomes Subject to Taxation.

It comes down to this, then, that-

1) British income tax is invariably collectible on an income arising within the United Kingdom;

2) That British income tax is payable upon revenues from all sources within or without the United Kingdom in the case of aliens who are domiciled in the United Kingdom and have resided there upward of six months, using the word " domicile" in its legal sense;

3) That aliens who are not domiciled in the United Kingdom but who have resided in the United Kingdom equal in the whole to six months during the income tax vear, and aliens who are domiciled here, but have resided here less than six months are chargeable with the British tax not only upon their British income but also upon that portion of their foreign income which is received in the United Kingdom in the year of assessment; and

4) That persons residing in the United Kingdom who have paid income tax to the British dominions are entitled to relief from United Kngdom income tax to the extent of the dominion rate of tax if such rate does not exceed one-half of the apropriate rate of the United Kingdom tax.

The Matter of Residence and Domicile.

For purposes of taxation an individual foreigner may reside in Great Britain in three different ways:

(a) He may be a mere temporary visitor.

(b) He may be a more or less permanently residing in Great Britain and be domiciled in his country of nationality.

(c) He may reside in Great Britain and be domiciled in Great Britain.

The individual under (c) is, for taxation purposes, in the same position as a Briton domiciled in Great Britain. As to (a) and (b), the rules under the income tax acts provide, among other things, that a person shall not be charged (under Schedule D of the British income tax law) who is in the United Kingdom only for some temporary purpose, and not with any intent of establishing his residence, and who has not actually resided in the United Kingdom at one time or several times for a period equal to six months in any year of assessment.

The act says "a person residing" shall be charged, and an individual who keeps an establishment for very short periods during the year of assessment, is a "person residing" for the purpose of taxation; e. g. an American citizen who rents a shooting box in Scotland and visits it for only two months in each year. (Inland Revenue v. Caldwallader, 5 Tax Cas., 101.)

Tax Collected under Five Schedules.

Income tax is collected in the United Kingdom under five schedules, which are:

Schedule A.—Income from lands or hereditaments situate in the United Kingdom.

Schedule B.—In respect of the occupation of lands situate in the United Kingdom.

Schedule C.—Profits arising from interest, public annuities, dividends, and shares of annuities payable in the United Kingdom out of any public revenue in the United Kingdom or elsewhere.

Schedule D.—Profits or gain from property whether situate in the United Kingdom or elsewhere, and profits or gains from any trade, profession employment, or vocation whteher the same be carried on in the United Kingdom or elsewhere.

Schedule E.—Official salaries.

The tax under Schedules A, B, C, and E. is payable by any one, wherever resident, entitled to the income in any year of assessment, and is deductible at the source.

Profits and gains assessed under Schedule D are not chargeable with tax unless the person entitled to the income is a person resident or carrying on a trade or business in the United Kingdom. For the purpose of this review "income tax" means tax chargeable under Schedule D.

Tax Rate for Individuals.

A foreigner residing but not domiciled in the United Kingdom is chargeable with income tax for (1) profits and gains arising from property in the United Kingdom, and (2) profits and gains from property wherever situated if the income is remitted to him in the United Kingdom. He is not chargeable with tax on the profits and gains from property outside the United Kingdom when the income is not remitted to him.

Residence in the United Kingdom for an aggregate period of six months during the year of assessment makes

the person a "person resident" for the purpose of taxation. It has been held that a person who rented an establishment in the United Kingdom for occasional visits for sport and never stayed in the United Kingdom for more than two months in any year of assessment was a "person residing." A person visiting and staying in the United Kingdom for temporary purpose and whose stay is for a less period than six months in the year of assessment is not to be charged.

Under British income-tax laws an individual is taxed at the rate of 3 s. in the pound sterling on the first £225 of taxable income (taxable income is assessable income less certain abatements) and 6s. in the pound sterling on the remainder of the taxable income. This tax is levied on income from sources in the United Kingdom, but, as said, not on income from sources in foreign countries unless the income be remitted to the United Kingdom.

Deductions Allowed the Individual.

In regard to the specific deductions allowed an individual it can be stated:

(a) Where the assessable income does not exceed £135 for a single person and £225 for a married person no income tax is payable.

(b) One-tenth is deducted from the total earned income to arrive at the amount of earned income to be calculated in the assessable income.

(c) A personal allowance of £135 or, in the case of an individual whose wife is living with him, £225, is deducted from the assessable income to arrive at the "taxable income."

(d) A widower who has living with him a female relative who has the care of any child or children may deduct £45.

(e) An unmarried person maintaining mother living with him may deduct £45.

(f) For every child under the age of 16 years or who, if over that age, is receiving a full-time education—for the first child £36, for each additional child £27.

Deductions under (d), (e) and (f) are in addition to deduction under (c).

Foreign taxes paid on income which is subseqently charged with income tax in the United Kingdom may be deducted from the amount of such income for the purposes of assessment of British income tax. Also a deduction of 3s. in the pound is allowed upon life-insurance premiums.

Liability to and Rates of Supertax.

In certain cases the foreigner resident in the United Kingdom is called upon to pay a supertax and the excess-profits duty, but (apart from income tax) no other direct taxes. He pays supertax if his gross income accruing in the United Kingdom or remitted to the United Kingdom exceeds £2000. This supertax is levied in respect of the excess over £2000 of income: For every pound sterling of the first £500 of the excess, 1s, 6d; for every pound sterling of the £500 of the excess, 2s; for every pound sterling of the next £1,000 of the excess, 4s, 6d; for every pound sterling of the next £12,000 of the excess, 5s; for every pound sterling of the next £10,000 of the excess 5s, 6d; for every pound sterling of the remainder of the excess, 6s.

Where part of the income is derived from land and charged upon the annual value (i. e., under Schedule A), and there has been an abatement or refund on account of maintenance, repairs insurance, or management, a similar abatement shall be allowed in assessment for supertax. Payments on account of excess-profits duty may be deducted as expenses for the purpose of assessment to supertax. In estimating the total income of any individual for supertax, the amount of any earned income shall be taken to be the full amount of that income without the deduction of the tenth allowed for income tax.

The Excess-Profits Duty.

The excess-profits duty is a tax levied on the profits of any trade or business carried on in the United Kingdom, or on the profits of a trade or business carried on at any other place if the owner or individual carrying on that business is a person or are persons ordinarily resident in the United Kingdom, in excess of the amount of profit made in a pre-war trade year. If the trade or business was not carried on, or had not been carried on for a full year before the war, a standard percentage of 13 per cent of the capital employed is fixed as the normal profit for an individual carrying on the trade or business. To render one liable to this tax residence or occupation is not necessary if the trade or business is carried on in the United Kingdom. If a person is ordinarily resident in the United Kingdom and carries on a trade or business elsewhere than in the United Kingdom, he is liable to this tax on the profits of his trade or business wherever situate.

The rate levied by this tax on all profit over the amount of profit for the pre-war trade year, or, if no pre-war trade year, over the standard percentage, is 60 per cent. However, the first £200 of profit over the amount of pre-war trade profits (or if no such pre-war profit, then over the standard percentage) is exempt from this tax. Where the pre-war standard of profits does not exceed £2,000 and and the profits of the accounting period are less than £4,000, the 200 allowance shall have added to it one fifth of the amount by which the profits of the accounting period are less than £4000. Where a person proves that in any accounting period which ended after the 4th day of August, 1914, his profits have not reached the point which involves liability to excess profits duty, or that he has sustained a loss in his trade or business, he shall be entitled to repayment of such amount paid by him as excess profits duty in respect of any previous accounting period, or to set off against any excess profits duty payable by him in respect of any succeeding accounting period such an amount as will make the total amount of excess profits duty paid by him during the whole period accord with his profits or losses during that period.

Taxation of Corporations.

A foreign corporation doing business in the United Kingdom pays income tax at the rate of 6s. in the pound if it gets profits or gains arising whether directly or indirectly, through or from any factorship, agency, receivership, branch, or management in the United Kingdom. The company must be assessed and charged in the name of the factor, agent, receiver, branch or manager. This tax is levied on income from sources in the United Kingdom but not on income from sources in foreign countries unless the company can be said to be resident in the United Kingdom. The test to apply on this point is: Where is the guiding, controlling, and directing power of the company situate? If it is in the United Kingdom, then the company is resident in the United Kingdom and assessable on the whole of its gains and profits. If the controlling power outside of the United Kingdom, then the company is non-resident in the United Kingdom. Payments for excess profits duty and corporation profits tax are allowed as expenses before calculating income subject to income tax.

When a resident agent deals for a nonresident principal and it appears that the nonresident principal controls the dealing so that there is little or no profit to the resident per-

son the Commissioners of Inland Revenue may assess the nonresident on a fair percentage of the turnover. The resident is, by statute, empowered to deduct the tax so assessed from any money of the principal coming into his hands.

In arriving at the taxable income for a trading concern many deductions are allowed for depreciation of plant, writing off losses, etc., but these items would be properly charged against income before arriving at the net profit in any event, and can not be looked upon as deductions from assessable income.

The Corporation Profits Tax.

The corporation profits tax is chargeable on the profits of a foreign company carrying on in the United Kingdom any trade or business or any undertaking of a similar character, so far as those profits arise in the United Kingdom. A company for the purpose of this tax means a body corporate so constituted that the liability of its members is limited. The act imposing this tax provides: "The profits of a foreign company carrying on in the United Kingdom any trade or business." Similar provisions regarding income tax have been construed to mean carrying on trade or business by means of an agent, branch, factor, etc., and undoubtedly this construction would be followed for the purpose of this tax. The rate is 5 per cent of the profits.

The first £500 of the profits is not subject to this tax; also a deduction is allowed for any amount paid for excess profits duty for the same accounting period, and likewise in respect of interest on money borrowed for the purposes of the company, or share of profits distributed to employees under a profit-sharing scheme.

An foreign company doing business in the United Kingdom, either directly or through a branch or agent, is liable to excess profits duty on profits arising in the United Kingdom at the rate of 60 per cent on all profits above the pre-war standard or standard percentage. The standard percentage for a company is 11 per cent. The first £200 in excess of the standard is not chargeable with this tax. Where the pre-war standard of profits does not exceed £2000 and the profits for the accounting period are less than £4000 the £200 allowance shall have added to if one-fifth of the amount by which the profits for the accounting period are less than £4000. No deductions or credits are allowed for taxes paid to foreign countries on profits arising in those countries, as such profits are not chargeable with this tax. A company can reclaim payments made for excess profits duty in the same way as an individual. It pays no registration or other special taxes.

RUSSO-BRITISH TRADE AGREEMENT.

Whereas it is desirable in the interests both of Russia and of the United Kinfdom that peaceful trade and commerce should be resumed forthwith between those countries; and

Whereas for this purpose it is necessary pending the conclusion of a formal general peace treaty between the government of the United Kingdom and the government of the Russian Socialist Federal Soviet Republic, hereinafter referred to as the Russian soviet government.

The aforesaid parties have accordingly entered into the present agreement for the resumption of trade and commerce between the countries.

The present agreement is subject to the fulfillment of the following conditions, namely: (1) That each party refrains from hostile action or undertakings, against the other and from conducting outside of its own borders any official propaganda direct or indirect against the institutions of the British Empire or the Russian soviet republic, respectively, and more particularly that the Russian soviet government refrains from any attempt by military or diplomatic or any other form of action or propaganda to encourage any of the peoples of Asia in any form of hostile action against British interests or British Empire especially in India and in the Independent State of Afghanistan. The British Government gives a similar particular undertaking to the Russian soviet government in respect of the countries which formed part of the former Russian Empire and which have now become independent. (2) That all British subjects in Russia are immediately permitted to return home, and that all Russian citizens in Great Britain or other parts of the British Empire who desire to return to Russia are similarly released.

It is understood that the term "conducting any official propaganda" includes the giving by either party of assistance or encouragement to any propaganda conducted outside its own borders.

The parties undertake to give forthwith all necessary instructions to their agents and to all persons under their authority to conform to the stipulations undertaken above.

Article 1. Both parties agree not to impose or maintain any form of blockade against each other and to remove forthwith all obstacles hitherto placed in the way of the resumption of trade between the United Kingdom and Russia in any commodities which may be legally exported from or imported into their respective territories to or from any other foreign country, and not to exercise any discrimination against such trade, as compared with that carried on with any other foreign country or to place any impediments in the way of banking, credit, and financial operations for the purpose of such trade, but subject always to legislation generally applicable in the respective countries. It is understood that nothing in this article shall prevent either party from regulating the trade in arms and ammunition under general provisions of law which are applicable to the import of arms and ammunition from or their export to foreign countries.

Nothing in this article shall be construed as overriding the provisions of any general international convention which is binding on either party by which the trade in any particular article is or may be regulated (as for example, the opium convention).

Art. 2. British and Russian ships, their masters, crews and cargoes shall, in ports of Russia and the United Kingdom, respectively, receive in all respects the treatment, privileges, facilities, immunities and protections which are usually accorded by the established practice of commercial nations to foreign merchant ships, their masters, crews and cargoes, visiting their ports, including the facilities usually accorded in respect of coal and water, pilotage, berthing, dry docks, cranes, repairs, warehouses, and generally all services, appliances, and premisses connected with merchant shipping. Moreover, the British Government undertakes not to take part in or support any measures restricting or hindering, or tending to restrict or hinder, Russian ships from exercising the rights of free navigation of the high seas, straits, and navigable waterways which are enjoyed by ships of other nationalities: Provided, that nothing in this article shall impair the right of either party to take such precautions as are authorized by their respective laws with regard to the admission of aliens into their territories.

Art. 3. The British and other Governments having already undertaken the clearances of the seas adjacent to their own coasts and also certain parts of the Baltic from mines, for the benefit of all nations, the Russian soviet government on their part undertake to clear the sea passages to their own ports The British Government will give the Russian soviet government any information in their power as to the position of mines which will assist them in clearing passages to the ports and shores of Russia. The Russian government, like other nations, will give all information to the International Mine Clearance Committee about the areas they have swept and also what areas still remain dangerous. They will also give all information in their possession about the mine fields laid down by the Russian governments since the outbreak of was in 1914 outside Russian territorial waters, in order to assist in their clearance: Provided, that nothing in this section shall be understood to prevent the Russian government from taking or requiring them to disclose any measures they may consider necessary for the protection of their ports.

Art. 4. Each party may nominate such number of its nationals as may be agreed from time to time as being reasonably necessary to enable proper effect to be given to this agreement, having regard to the conditions under which trade is carried on in its territories, and the other party shall permit such persons to enter its territories and to sojourn and carry on trade there; Provided, that either party may restrict the admittance of any such person into any specified areas and may refuse admittance to or sojourn in its territories to any individual who is persona non grata to itself or who does not comply with this agreement or with the conditions precedent thereto.

Persons admitted into Russia under this agreement shall while sojourning therein for purposes of trade, be exempted from all compulsory services whatsoever, whether civil, naval, military, or other, and from any contributions whether pecuniary or in kind imposed as an equivalent for personal service, and shall have the right of egress.

They shall be at liberty to communicate freely, by post, telegraph and wireless telegraphy, and to use telegraph codes under the conditions and subject to the regulations laid down in the international telegraph convention of St. Petersburg in 1875.

Each party undertakes to account for and to pay all balances due to the other in respect of terminal and transit telegrams and in respect of transit letter mails in accordance with the provisions of the international telegraph convention and regulations and of the convention and regulations of the universal postal union, respectively. The above balances when due shall be paid in the currency of either party at the option of the receiving party.

Persons admitted into Russia under this agreement shall be permitted freely to import commodities (except commodities such as alcoholic liquors, of which both the importation and the manufacture are or may be prohibited in Russia) destined solely for their household use or consumption to an amount reasonably required for such purposes.

Art. 5. Either party may appoint one or more official agents to a number to be mutually agreed upon, to reside and exercise their functions in the territories of the other, who shall personally enjoy all the rights and immunities set forth in article and also immunity from arrest and search provided that either party may refuse to admit any individual as an official agent who is persona non grata to itself or may require the other party to withdraw him should it find it necessary to do on grounds of public interest or security. Such agents shall have access to the authorities of the country in which they reside for the purpose of facilitating the carrying out of this agreement and of protecting the interests of their nationals.

Official agents shall be at liberty to communicate freely with their own Government and with other official representatives of their Government in other countries by post, telegraph and wireless telegraphy in cipher, and to receive and dispatch couriers with sealed bags subject to a limitation of 3 kilos per week, which can be exempt from examination.

Telegrams and radio telegrams of official agents shall enjoy any right of priority over private messages that may be generally accorded to messages of the official representatives of foreign Governments in the United Kingdom and Russia, respectively.

Russian official agents in the United Kingdom shall enjoy the same privileges in respect of exemption from taxation, central or local, as are accorded to the official representatives of other foreign Governments. British official agents in Russia shall enjoy equivalent priveleges, which, moreover, shall in no case be less than those accorded to the official agents of any other country.

The official agents shall be the competent authorities to vise the passports of persons seeking admission, in pursuance of the preceding article, into the territories of the parties.

Art. 6. Each party undertakes generally to insure that persons admitted into its territories under the two preceding articles shall enjoy all protection, rights, and facilities which are necessary to enable them to carry on trade, but subject always to any legislation generally applicable in the respective countries.

Art. 7. Both contracting parties agree simultaneously with the conclusion of the present trade agreement to renew exchange of private postal and telegraphic correspondence between both countries, as well as dispatch and acceptance of wireless messages and parcels by post in accordance with the rules and regulations which were in existence up to 1914.

Art. 8. Passports, documents of identity, powers of attorney and similar documents issued or certified by the competent authorities in either country for the purpose of enabling trade to be carried on in pursuance of this agreement shall be treated in the other country as if they were issued or certified by the authorities of a recognized foreign Government.

Art. 9. The British Government declares that it will not initiate any steps with a view to attach or to take possession of any gold, funds, securities or commodities not being articles identifiable as the property of the British Government which may be exported from Russia in payment for imports or as securities for such payment, or of any movable or immovable property which may be acquired by the Russian soviet government within the United Kingdom. It will not take steps to obtain any special legislation not applicable to other countries against the importation into the United Kingdom of precious metals from Russia whether specie (other than British or allied) or bullion or manufactures or the storing analyzing, refining, melting, mortgaging, or disposing thereof in the United Kingdom, and will not requisition such metals.

Art. 10. The Russian soviet government undertakes to make no claim to dispose in any way of the funds or other property of the late Imperial and Provisional Russian Government in the United Kingdom. The British Government gives a corresponding undertaking as regards British Government funds and property in Russia. This article is not to prejudice the inclusion in the general treaty referred to in the preamble of any provision dealing with the subject matter of this article. Both parties agree to protect and not to transfer to any claimants pending the conclusion of the afore said treaty any of the above funds or property which may be subject to their control.

Art. 11. Merchandise the produce or manufacture of one country imported into the other in pursuance of this agreement shall not be subjected therein to compulsory requisition on the part of the Government or of any local authority.

Art. 12. It is agreed that all questions relating to the rights and claims of nationals of either party in respect of patents, trade marks, designs and copyrights in the territory of the other party shall be equitably dealt with in the treaty referred to in the preamble.

Art. 13. The present agreement shall come into force immediately and both parties shall at once take all necessary measures to give effect to it. It shall continue in force unless and until replaced by the treaty contemplated in the preamble so long as the conditions laid down both in the articles of the agreement and in the preamble are observed by both sides: Provided, that at any time after the expiration of 12 months from the date on which the agreement comes into force either party may give notice to terminate the provisions, of the preceding articles , and on the expiration of six months from the date of such notice those articles shall terminate accordingly: Provided also, that that if as the result of any action in the courts of the United Kingdom dealing with the attachment or arrest of any gold, funds securities property or commodities not being identifiable as the exclusive property of a British subject, consigned to the United Kingdom by the Russian soviet government or its representatives judgment is delivered by the court under which such gold, funds, securities property or commodities are held to be validly attached on account of obligations incurred by the Russian soviet government or by any previous Russian Government before the date of the signature of this agreement, the Russian soviet government shall have the right to terminate the agreement forthwith: Provided also, that in the event of the infringement by either party at any time of any of the provisions of this agreement or of the conditions referred to in the preamble, the other party shall immediately be free from the obligations of the agreement. Nevertheless, it is agreed that before taking any action inconsistent with the agreement the aggrieved party shall give the other party a reasonable opportunity of furnishing an explanation or remedying the default.

It is mutually agreed that in any of the events contemplated in the above provisos, the parties will afford all necessary facilities for the winding up, in accordance with the principles of the agreement of any transactions already entered into thereunder, and for the withdrawl and egress from their territories of the nationals of the other party and for the withdrawal of their movable property.

As from the date when six months' notice of termination shall have been given under this article, the only new transactions which shall be entered into under the agreement shall be those which can be completed within the six months. In all other respects the provisions of the agreement will remain fully in force up to the date of termination.

Art. 14. This agreement is drawn up and signed in the English language. But it is agreed that as soon as may be a translation shall be made into the Russian language and agreed between the parties. Both texts shall then be considered authentic for all purposes.

Declaration of Recognition of Claims.

At the moment of signature of the preceding trade agreement both parties declare that all claims of either party or of its nationals against the other party in respect of property or rights or in respect of obligations incurred by the existing or former Government of either country shall be equitably dealt with in the formal general peace treaty referred to in the preamble.

In the meantime, and without prejudice to the generality of the above stipulation, the Russian soviet government declares that it recognizes in principle that it is liable to pay compensaton to private persons who have supplied goods or service to Russia for which they have not been paid. The detailed mode of dis-

charging this liability shall be regulated by the treaty referred to in the preamble.

The British Government hereby makes a corresponding declaration.

It is clearly understood that the above declarations in no way imply that the claims referred to therein will have preferential treatment in the aforesaid treaty as compared with any other classes of claims which are to be dealt with in that treaty.

Signed at London this 16th day of March, 1921.

RUSSO-POLISH PEACE TREATY

On March 18, 1921, the treaty of Peace between Poland on the one hand, Great Russia, White Russia and the Ukrainia on the other was signed at Riga. If no objections are raised, the treaty goes into effect 45 days after signing.

The treaty contains 26 articles and provides for the settlement of all questions pending between the two countries, the delegates of Great Russia speaking for White Russia and the Ukrainia.

Following is the substance of the treaty's commercial terms:

Poland and Russia renounce mutually the right to indemnity or costs of war.

Russia and the Ukrania return to Poland libraries, archives and art objects taken away since January, 1772.

Property and capital of private individuals and of Polish societies, sequestrated or taken by the Russians, will be returned.

Railroad material will be restored to Poland; otherwise Russia will pay 20,000,000 gold rubles as value recognized by the Russians.

According to the preliminary agreement of Oct. 12, 1920, Russia and the Ukrainia have contracted to pay to Poland 30,000,000 gold rubles, in coin and bullion, not later than one year from the date on which the treaty is ratified.

Russia and the Ukrainia liberate Poland from all responsibility for debts contracted by the late Russian Empire, assuming such obligations themselves. These are understood to include the obligations, series and certificates of the Russian Treasury, as well as the guarantees granted to all institutions and enterprises and their guaranteed debts.

The methods and conditions of transit traffic will be agreed upon at a railroad connection to be arranged for immediately after the ratification of the present article. Pending that agreement and convenion, transit is permited under the following conditions.

(1) Mutual free transit of goods over all railroads and waterways which are open for transport in accordance with regulations agreed upon by the contacting parties and taking into consideration the capacity of the railroads and internal needs of population.

(2) "Free communication transit" includes all goods transported over Polish territory from or to Russia or the Ukrainia and all goods transported from or to Poland over Russian or Ukrainian territory .Such goods are exempt from transit taxes or any other transit payments whether transported directly or whether loaded, temporarily stored in warehouses, or loaded for further transportation provided these operations are effected in storehouses under control of the customs authorities of the country over which the goods are being transported.

Poland reserves complete liberty to regulate the transit conditions of goods of German and Austrian origin exported from German and Austria over Polish territory and consigned to, or destined for, Russia or the Ukrainia.

(3) No transit will be permitted to articles for arming, military equipment, or other military uses. This ristriction does not include articles military in character which are not destined for military use but such articles require information from the Government that they will not be used as military material. Exceptions are made for goods useful in protecting public health and combating plant and cattle plagues.

(4) The goods of a third country transported over the territory of either one of the contracting parties, when imported to the country of the second, will not pay taxes except such as would have been paid for these same goods coming directly from the country they are leaving.

(5) Freight tariff and other payments for transit traffic may not be greater then those for domestic goods traffic on the same railroad and in the same direction.

(6) At frontier points where the railroad lines of both contracting parties are connected, there are named for their mutual transit communication certain receiving stations. For goods coming from the west, these stations are: Minsk on White Russian territory for the Baranovichi-Minsk line, and Shepetovka on Ukrainian territory for the Rovno-Shepetovka line. For goods coming from the east, the receiving stations on Polish territory are Stolbzi for the Baronovichi-Minsk line and Sdolbunov (Zdolbunowo) for the Rovno-Shepetovka line.

Both contracting parties will take the necessary means to equip, for communication in the shortest possible time other railway lines, for which the connecting points will be settled by separate agreements.

The forwarding frontier points for transit of both contracting parties with other countries will be all frontier stations which are or will be open for internationai communication.

For reloading goods imported or exported by water there is to be opened a station in Pinsk or on the Pripet (Prypiec) River.

U. S. IMMIGRATION ACT, 1921.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

The term "United States" means the United States, and any waters, territory, or other place subject to the jurisdiction thereof except the Canal Zone and the Philippine Islands; but if any alien leaves the Canal Zone of any insular possession of the United States and attempts to enter any other place under the jurisdiction of the United States nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

The word "alien" includes any person not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed nor citizens of the islands under the jurisdiction of the United States.

The term "Immigration Act" means the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States"; and the term "immigration laws" includes such Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

Sec. 2. (a) That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determied by the United States census of 1910. This provision shall not apply to the following, and they shall not be counted in reckoning any of the percentage limits provided in this Act: (1) Government officials, their families, attendants, servants, and employees; (2) aliens in continuous transit through the United States; (3) aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign contiguous territory; (4) aliens visiting the United States as tourists or temporarily for business or pleasure; (5) aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration; (6) aliens from the so-called Asiatic barred zone, as described in section 3 of the Immigration Act; (7) aliens who have resided continuously for at least one year immediately preceding the time of their admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central or South America, or adjacent islands; or (8) aliens under the age of eighteen who are children of citizens of the United States.

(b) For the purposes of this Act nationality shall be determined by country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of 1910.

(c) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement shall be the population basis for the purposes of this Act. In case of changes in political boundaries in foreign countries occuring subsequent to 1910 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of persons resident in the United States in 1910 who were

born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this Act generally aliens born in the area included in any such new country shall be considered as having been born in such country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

(d) When the maximum number of aliens of any nationality who may be admitted in any fiscal year under this Act shall have been admitted all other aliens of such nationality, except as otherwise provided in this Act, who may apply for admission during the same fiscal year shall be excluded: *Provided,* That the number of aliens of any nationality who may be admitted in any month shall not exceed 20 per centum of the total number of aliens of such nationality who are admissible in that fiscal year: *Provided further,* That aliens returning from a temporary visit abroad, aliens who are professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, aliens belonging to any recognized learned profession, or aliens employed as domestic servants, may, if otherwise admissible, be admitted notwithstanding the maximum number of aliens of the same nationality admissible in the same month or fiscal year, as the case may be, shall have entered the United States; but aliens of the classes included in this proviso who enter the United States before such maximum number shall have entered shall (unless excluded by subdivision (a) from being counted) be counted in reckoning the percentage limits provided in this Act: *Provided further,* That in the enforcement of this Act preference shall be given so far as possible to the wives, parents, brothers, sisters, children under eighteen years of age, and fiancees, (1) of citizens of the United States, (2) of aliens now in the United States who have applied for citizenship in the manner provided by law, or (3) of persons eligible to United States citizenship who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and have been separated from such forces under honorable conditions.

Sec. 3. (Gives powers to the Commisioner of Immigration and Secretary of Labor to preseribe rules to carry the provisions of this Act into effect.)

Stc. 4. That the provisions of this Act are in addition to and not in substitution for the provisions of the immigration laws.

Sec. 5. That this Act shall take effect and be enforced 15 days after its enactment (except sections 1 and 3 and subdivisions (b) and (c) of section 2, which shall take effect immediately upon the enactment of this Act), and shall continue in force until June 30, 1922, and the number of aliens of any nationality who may be admitted during the remaining period of the current fiscal year, from the date when this Act becomes effective to June 30, shall be limited in proportion to the number admissible during the fiscal year 1922.

Approved, May 19, 1921.

REGISTRATION OF FOREIGN COMPANIES IN AUSTRALIA.

The provisions of the war precautions act of 1914-1918 pertaining to the registration of companies, both foreign and domestic, have been extended by a new act of Parliament effective January 1, 1921.

These provisions prohibit the registration in any State of a company without the consent in writing of the Commonwealth treasury, which consent has, in the case of foreign companies, been hitherto uniformly withheld. Now, however, the treasury has decided to grant permits to register. No general regulations have been published but to a number of applicants conditions have been laid down, of which the following are representative:

(1) The company shall have such fixed assets in Australia in the hands of natural-born British subject as are, in the opinion of the treasurer, sufficient to secure its Australian creditors.

(2) The company must not, without the written consent of treasurer, perform the following operations: (a) Engage in any business other than that set out in the company's charter. (b) acquire the freehold or perpetual leasehold or a leasehold for more than 10 years of any land in the Commonwealth: (c) acquire any mining lease or control of any ore deposits or of any mining or metallurgical company or business in Australia or any share or interest therein.

(3) The company shall comply with any Commonwealth law that may hereafter be passed in regard to companies.

(4) The company shall not authorize the issue of share warrants to bearer.

(5) The following information shall be furnished to the treasury in respect of the company: (a) Particulars of any alteration or amendment that may be made in its charter, rules, or by-laws; (b) a list of the directors or board of management showing the full name, place of birth, nationality, and place of residence of each; (c) a copy of each report and balance sheet: (d) particulars of any changes that may take place in respect of the shareholders or directors; (e) the name and address of the person or persons resident in the Commonwealth authorized to represent the company and to whom notices regarding the company's business may be addressed: (f) such other information as the treasurer may from time to time require.

(6) In the event of the company's failing to comply with any of the conditions under which this consent is issued, the treasurer may order it to wind up its business.

(7) The registration and the rights conferred thereby shall be provisional and subject to any Commonwealth law relating to the registration of foreign companies

It is understood that the last paragraph, regarding the subjection of rights conferred by any Commonwealth law relating to the registration of foreign companies, means that a general Commonwealth registration law to supercede those of the several States, is part of the present Commonwealth Government's legislative program.

At present, registration is a State matter, the authority of the Commonwealth being confined to granting or withholding permission to register under the laws of a State.

It is understood that trading companies complying with the foregoing provisions will be given permission to register. Insurance, banking, and other such institutions will be required to comply with additional provisions. A foreign *insurance* company, for example which has applied for permission to register has been informed that it may do so on complying with the provisions quoted and in addition depositing with the Commonwealth treasury the sum of £50,000, on which the treasury will allow 6 per cent interest.

NEW BRAZILIAN MINING LAW.

A new mining code was issued on January 15, 1921, among the more important provisions of which are the following:

Art. 17. All persons, either national or foreign, residing in Brazil, as well as any corporation or company legally constituted, may register the discovery of a mine.

Section 1. The registration of a document shall be made by the official in charge of the registry of deeds of each district, based upon a dispatch by the judge of said district.

Sec. 2 The document must contain the precise nature of the strata and its topogrphical position, the name of the owner of the soil, and all other indications which shall be required under the provisions of this law.

Sec. 3. A certificate of the terms of said document entered in the Registry of Mines shall be given, word for word, to the person presenting it, and a limit of one year allowed him for effecting prospects.

Art. 50. In order for any individual or corporation to make prospects in lands belonging to the Union, it is necessary to obtain a license from the Ministry of Agriculture, Industry and Commerce, under the following conditions: (1) The party shall declare in his petition the nature of the ores, the locality in which the prospects shall be made, and the number of lots required. After being attended to, he shall mark out on the land the area determined in the license. The measure of mineral lots shall be by hectares.

Sole Sec. For works in river beds or along the seacoast, the lots shall be a kilometer in length, measured according to the center of the river or the line of the sea coast. The number of connecting lots for which license can be obtained for each kind of layer shall be established by the regulations of this law.

(8) The term for prospecting shall be one year subject to the extension by the Government.

(9). A fixed annual tax which shall not exceed 2 milreis per lot shall be levied on the license for prospecting, as well as the stamp tax on the petition and deed.

Art. 89. Mining companies incorporated under the rules of this law shall enjoy the following terms: (1) Exemption from import duties for machines, apparatus, tools, molds and articles of consumption not to be found in the country under the same

conditions, said importation being supervised by the technical agents of the Ministry of Agriculture, Industry and commerce without charging the interested parties for the respective certificates;

(2) Minimum tariff rates for transportation railroads, navigation companies, and dock services and transferring at ports, expenses being paid and guaranteed by the Government, not only for transportation of laborers, but also materials, ore, combustibles, and manufactured products.

Art. 93. The Superior Council of Mines shall be created and charged with the study and report on all technical and economic questions as well as those of private law concerning mining and subject to the jurisdiction of the Ministry alone.

Sec. 1. This council, which shall be presided over by the Minister of Agriculture, shall have as members the directors of the Polytechnic School and the School of Mines, the professors in metallurgy and mining sciences, of the same schools, the director of the Geological Survey of Brazil, three representatives of mining companies and the National Attorney General of the Republic.

POLISH BANKING LAW.

A translation of the text of the law regarding government supervision of banks and exchange offices, passed by the Polish Diet March, 23, 1920, is given below.

Article 1. For the opening and conduct of banking houses and exchange offices a concession is required, given by the Minister of Finance, under whose special control such undertakings are placed.

The field of action of banking houses comprises all banking operations. Exchange offices may conduct exclusive exchange operations and only at the value and rate quoted on the Polish Bourse.

The above law does not comprise excepting in such cases as those foreseen in article 9, section 2—shareholding companies, co-operative companies, nor such credit institutions as are regulated by the statutes as promulgated by the State authorities.

Art. 2 Only such persons are allowed to undertake the enterprises mentioned in article 1, as are authorised to do so, and only in localities appointed for that purpose

Art. 3. The Minister of Finance is authorized to:

(1) Grant, according to his judgment, concessions or to refuse such concessions as are mentioned in article 1, section 1.

(2) Establish the minimum amount of the capital of such enterprises.

(3) Establish a State control over their operations, and issue regulations concerning control, and settling of the expenses of such control to be covered by these institutions.

Art. 4 Persons desirous of obtaining a concession to open and conduct a banking house or office of exchange are obliged to deposit, together with a request for concession, proofs of possession of the capital necessary for the conducting of the enterprise.

Art. 5. Upon concessions granted according to article 1, section 1, it is decided that independently of the obligation of paying dues and taxes introduce by publication of the above law a special payment shall issue and is to be paid only once, in gold, at the rate of one (1) per cent of the foundation capital.

Art. 6. Persons who have satisfied the requirements of articles 4 and 5 and obtain the permission (authorization) to conduct enterprises mentioned in article 1, section 1, are obliged, before obtaining the proof of the concession to pay the Polish National Savings Bank in cash or in Polish certificates of indebtedness—to the order of the Ministry of Finance —for the purpose of insuring the demand which may arise in conducting the enterprise, security to the amount of one (1) per cent of the foundation capital. This securiy remains in deposit at the Ministry of Finance during the entire life of the enterprise.

Art. 7. Concessions for the establishment of such enterprises as mentioned in article 1, section 1, may not be ceded to a third person without the consent of the Minister of Finance. Enterprises conducted on the basis of the above law can not be sold, given, nor mortgaged to a "surety giving administration."

Art 8. Proprietors of the enterprises mentioned in article 1, section 1, are obliged.

(1) To keep commercial books according to the principles of the double-entry system.

(2) To execute all demands of the Minister of Finance given according to the above law—both those that concern general obligations and those that concern special enterprises.

(3) To produce, on any demand of the Minister of Finance all information and reports concerning the state of the affairs of the business. Proprietors of banking houses are, moreover, obliged to publish information of their activities and the state of their capital in the official gazette and organs of the press, as indicated by the Minister of Finance.

Art. 9 Enterprises mentioned in article 1 are submitted to the control of the State, regulated according to article 3, section 3, of the above law.

The Minister of Finance has the right of extending the binding force of the rules contained in the above statute to credit institutions as well as to share holding institutions or partnerships which are regulated according to their statutes confirmed by the State authorities.

Rights and duties as well as the functions of those persons executing control are decided by the Minister of Finance.

Art. 10. Any violation or non execution of the rules of the above law, or those issued on the strength of its regulations, shall be punished by a fine amounting to 500,000 marks, or in case of insolvency by six months' arrest.

In case of a repeated act deserving penalty, or if such an act, in consequence of reasons which contain the germ of crime as provided for by the penal code, cause the condemnation of the culprit, the Minister of Finance can order the confiscation of the security (art. 6) to the advantage of the State Treasury. In such case the banking house is to be liquidated and the exchange office closed.

Violation of article 2 of the above law is punished by arrest for a time not exceeding three months, besides a fine to the amount of 500,000 marks.

Art. 11. The above law takes effect on the day of its publication. From that moment all prior regulations which had heretofore applied to the entire Polish Republic on the subject of banking enterprises and exchange offices become void, in so far as they are in opposition to the above law.

Art. 12 Proprietors of banking houses and exchange offices in activity on the day of the taking effect of the above law are obliged at a date determined by the executive authorities (article 13) to obtain concessions for the further conduct of their business according to the spirit of the above law, Such banking houses, already in existence, which do not obtain a confirmation of their concession shall be liquidated by the Minister of Finance.

Art. 13. Execution of the above law is entrusted to the Minister of Finance and, in the territory formerly occupied by Prussia, to the Minister of Finance, in conjunction with the Minister of the Prussian Occupation Lands.

GERMAN REPARATION (RECOVERY) BILL IN GREAT BRITAIN.

The provisions of the Bill, passed by the Parliament, are as follows, as published in the British Board of Trade Journal:

Clause 1 That 50 per cent of what is due for German goods, or such percentage as the Treasury may prescribe, shall be paid, not to Germany, but to the Treasury through the customs on account of German reparation.

Clause 2 German goods are defined as (a) goods first consigned from Germany, and (b) goods consigned from elsewhere, of which less than 25 per cent of the value is attributable to production outside Germany. But the act is not to apply to transshipment goods.

Clause 3 (1) The value of the goods for the purposes of the act is to be f. o. b. value; (ii) but, in the case of goods consigned to Germany to have a process to be performed upon them, the act is to apply only to the increased value resulting from that process; (iii) in addition, it is provided in this clause that when a person would be out of pocket on account of an advance made because he did not retain the full proceeds of the goods sent here against such advance he should be allowed to deduct from the sum payable to the commsisioners of customs the amount necessary to prevent his being so out of pocket: (iv) provision is also made in this clause for the settlement of disputes as to the value; and (v) for the furnishing of certificates of origin.

Clause 4. —Persons who have made contracts to accept bills may apply to the court for suspension, annulment, or, with the consent of the parties, variation of the contract, when the enforcement of the contract would result in serious hardship in consequence of circumstances arising out of the act.

Clause 5. On the recommendation of a committee or committees consisting mainly of business men, the Board of Trade may, as respects articles of any class, make, or descrip-

tion, reduce the percentage payable to the commissioners, or vary the percentage referred to in clause 2, and may also extend the classes of contract to which clause 4 relates.

Clause 6. By resolution of both Houses the act may be suspended by Order in Council, to such extent and for such period, definite or indefinite, as may be specified.

STRAITS SETTLEMENTS INCOME TAX ORDINANCE OF 1921.

On January 25 1921 Income-Tax Ordinance was passed by the Legislative Council of the Straits Settlements and was assented to by the Governor General on January 27 being made retroactive to January 1, 1921. By this ordinance the provisions of the Income-Tax Ordinance 1920, were continued in force as respects the year 1921, subject to a few amendments. The following extracts from sections and subsections are of particular interest to foreign companies doing business in the colony:

In the case of a company, other than a life assurance company, which is not incorporated in the colony, or of an association "income" means the net profits of its business arising or received in the colony; the net annual value of lands, tenements, or hereditaments owned by it and situated in the colony, interest from any source arising or received in the colony dividends, profits, commissions, or bonuses credited or paid by any company, association or person arising or received in the colony its income from any other source arising or received in the colony.

"Total income" for such a company or association means the total net profits of the company's business, wheresoever made the net annual value of lands, tenements, or hereditaments owned by it, wheresoever the same may be situated; interests from any source, whether within or without the colony; dividends or profits, whether within or without the colony; its income from any other source, wheresoever arising; provided that any tax specially imposed for the purpose of the recent war, whether paid in this colony or elsewhere, shall be deemed to form a part of the total income.

Any company, association, or person whose principal place of business is not situated in the colony and whose business in colony is sale of rubber, copra, or other agricultural produce or of metals or minerals produced or won by it or him outside the colony, shall be exempt from taxation under this ordinance in respect of the income arising for such sale.

Deductions are provided for as follows: The income for religious institutions, any income on which income tax has been paid in United Kingdom or in British protectorates or protected States, or in any British possessions, income derived from interest on securites issued in respect of certain loans; incomes from an association when association is liable to a tax, traveling allowances, the diminished value by reason of wear and tear on machinery or plant, interest on borrowed capital that bears income tax in the colony or is exempt from taxation.

A deduction shall not in any case be made in respect of the following matters: (a) Money not wholly or exclusively laid out or expended for the purposes of business carried on by a company; (b) any loss or expense which is recoverable under any contract of insurance or indemnity; (c) any sums credited or paid as salaries to partners; (d) any loss not connected with or arising out of any business or any capital withdrawn from any business, or any loss or expenditure of a capital nature, or any sum used or intended to be used as capital in any business; (e) any capital used in the improvement of premises for the purpose of any business; (h) any expenses of maintenance of persons liable to tax; (i) any sum written off for depreciation in value of land, buildings, or leases; (k) any interest which might have been earned on any capital if lent out at interest;(l) any bad debts proved to be such to the satisfaction of the collector; (m) any sum paid as tax under this ordinance or under the war tax ordinances or as income tax in any country on any income arising in the colony.

In case of a company, association, or person selling goods in the colony on account of a company, association or person whose principal place of business is not situated in the colony, the company, association or person on whose account such goods are sold shall, if the income cannot otherwise be ascertained to the satisfaction of the collector, be deemed to have derived from such sale an income to be determined by the collector at a figure not exceeding the equivalent of 5 per cent of the price at which the goods were sold.

Goods shall be deemed to be sold in the colony under the above subsection if any company, association, or person in the colony receives a commission in respect of the sale of goods or is paid a salary for obtaining orders for or influencing the sale of the goods.

Section 13 of Part 4 of the 1920 ordinance provides for the dates on which income returns shall be filed and for the certification. This section is augmented by the amendment of 1921 as follows:

For the purposes of section 13 of the ordinance of 1920 the income of every company, association, or person whose principal place of business is not situated in the colony, and which or who either as owner or charterer of any ship carries passengers, live stock, mails or goods shipped at any port in the colony, shall be deemed to be a fixed percentage of the full amount payable to it or him, whether such amount be payable in or beyond the colony, in respect of the carriage of such passengers, live stock, mails and goods. Such fixed percentage shall be determined by the collector at a rate not less than 5 per cent or greater than 10 per cent.

Income tax shall be paid on amounts given below (in Straits Settlements dollars) at the rates set out in the following scale:

	Per cent
Not less than $5000 but less than $ 6000	2
Not less than $ 6000 but less than $ 7200	3
Not less than $ 7200 but less than $ 8400	4
Not less than $ 8400 but less than $12000	5
Not less than $12000	6

RECENT DECISIONS

I. GREAT BRITAIN.

ALIENS.

At the outbreak of war a debt was due from a German bank to the London agency of an Austrian bank. Vesting orders were made, under which the business of the London agency was wound up and a controller appointed. The controller applied to the Court to give directions under the powers conferred by sus-ss. 1 or 2 of s. 5 of the Trading with the Enemy Amendment Act, 1914, that the debt should be paid out of the property vested in the custodian.

Held, that, even if the power still subsists under those subsections to direct such payment to persons who are not British nationals under the Treaty of Peace, such power is discretionary, and that the Court will not exercise it, except in very special circumstances, but will leave such debts to be dealt with under the O in C to be made at the termination of the war s. 5. sub. s 1, of the Act.

Re Nierhaus (1920) W. N. 134, which deals with the payment of such debts to British nationals, applied In re National Bank fur Deutschland, In re Anglo-Austrian Bank (London Agency). 123 L. T. 647; (1920) W. N. 307.

CARRIER.

A forwarding agent who has undertaken for reward to forward goods from England to a foreign country, and has made the usual and proper arrangement for their carriage, is not liable if the goods are lost while in the custody of the Customs authorities of the country to which they were being sent. Jones v. European and General Express Co. 25 Com. Cas. 296.

INSURANCE.

On the night of July 23, 1917, a merchant vessel was sailing in convoy from the United States to England, and, in obedience to Admiralty orders, was steaming without lights. The night was very dark. The convoy was moving at six to seven knots. One of His Majesty's warships was at the same time on a voyage to pick up a convoy of merchant vessels and was steaming without lights at twelve knots. The two ships sighted one another at close quarters and a collision occured in which both ships were damaged. There was no negligence in the navigation of either ship. The merchant ship was insured under a marine risks policy containing the usual f. c. and s. clause and a war risks policy which covered "all consequences of hostilities or warlike operations by or against the King's enemies."

Held that the war risks underwriters must bear the loss and that the case was concluded by the decisions in Ard Coasters v. The King (1920) 36 T. L. R. 555, and British Steamship Co. v. The King (1918) 2 K. B. 879. Decision of Bailhache J. (1920) 1 K. B. 700 affirmed Richard de Larrinaga Steamship Owners v. (Admiralty Commrs. C. A.) (1920) 3. K. B. 65; 89 L. J. (K. B.) 842; 123 L. T. 485; (1920) W. N. 196; 36 T. L. R. 595.

A foreign ship, while on a voyage covered by a time policy of insurance, was sunk through coming into contact with a drifting mine which had broken away from its moor-

ings. The insurance was contained in an ordinary English policy, from which the clause "Warranted free of capture", etc., had been struck out, and to which two other documents were annexed, one of which provided that the insurance was to be subject to English law, and to the conditions of the English Lloyd's policy; and in the other a clause had been inserted, "Warranted free from capture, seizure, and detention and all other cosequences of hostilities, piracy, riots, civil commotion and barratry excepted":-

Held, that the contract was contained in the three documents, and that the ship was lost in "consequence of hostilities" within the meaning of the clause, which could not be restricted to consequences ejusdem generis with capture, seizure and detention.

Decision of the C. A. 35 T. L. R. 25 affirmed. Stoomvaart Maatschappij Sophie H. v. Merchants' Marine Insurance Co. H. L. (E) 89 L. J. (K. B.) 834; 122 L. T. 295; 36 T. L. R. 73.

If an operation creates no new risk, but only increases an existing risk by removing something which but for a state of war would have been a safeguard against that risk, then the risk is not a war risk; but if the peril be directly due to hostile action, it is a war risk.

A ship was steaming at night without lights, in obedience to Admiralty orders, as a precaution against attack by hostile submarines, when she came into collision with another ship, also steaming without lights, and was sunk. No blame attached to either ship, and the collision was inevitable under the circumstances:-

Held, that the loss not in consequence of hostilities or warlike operations, but was by a marine risk.

British and Foreign Steamship Co. v. Rex (1918) 2 K. B. 670 affirmed.

A ship was one of a convoy escorted by men-of-war as a protection against attacks by hostile submarines, and was bount to obey the orders of the senior naval officer, and to take such course as he directed. While steaming on the course ordered at night the ship ran upon an unlighted reef, and became a total loss. There was no evidence of negligence on the part of the naval officer, or of the master of the ship:-

Held, that the loss was not in consequence of hostilities or warlike operations, but was by a marine risk.

Decision of the C. A. (1919) 2 K. B. 670 affirmed (Viscount Cave and Lord Shaw dissenting). Britain Steamship Co. v. Rex. Green v. British India Steam Navigation Co. British India Steam Navigation Co. v. Liverpool and London War risks Insurance Association, Ld.—H. L. (E.) 89 L. J. (K. B.) 881; 25 Com. Cas. 301; 123 L. T. 721.

JUDGMENT.

In order that a foreign judgment may be enforceable in an English Court, it must be a final and conclusive judgment of the Court by which it was pronounced, and it is not a final and conclusive judgment of that Court if an order has to be obtained in that Court for its enforcement, or if on application to that Court for an order to enforce it the original judgment is liable to be abrogated or varied; but it is not prevented from being a final judgment by reason of the fact that it may be the subject of an appeal to a higher Court.

The Small Offences Enactment No. 11 of 1898 of the State of Perak provides by s. 39 that if any person neglects or refuses to maintain his wife or child it shall be lawful for a magistrate to order him to make a monthly allowance for their maintenance; by s. 40 that if such person shall wilfully neglect to comply with any such order, the magistrate may, for every breach of the order, by warrant direct the amount due to be levied in the manner by law provided for levying fines, or may sentence him to imprisonment; and by s. 41 that on the application of any person receiving or ordered to pay a monthly allowance under s. 40, and on proof of a change in the circumstances of such person, his wife, or child, the magistrate may make such alteration in the allowance ordered as he may think fit. Enactment No. 13 of 1905 provides that a Judicial Commr. shall have power to hear and determine all appeals from the lower Courts.

By the judgment of a Judicial Commr. of Perak dated December 13, 1916, which affirmed with a variation the previous order of a magistrate, under s. 39 of the above enactment of 1898, it was adjudged that the defendant should pay to the plaintiff, his wife, as from August 9, 1916, a certain sum per month for the maintenance of the plaintiff and the child of the marriage. In October, 1919, the parties having come to England, the plaintiff brought an action against the defendant claiming monthly payments alleged to be due under the judgment of the Judicial Commr:-

Held, that the judgment was not final and conclusive within the doctrine of English law which enables judgments of foreign Courts to be enforced in England, and that the plaintiff could not recover.

Nouvion v. Freeman (1889) 15 App. Cas. 1; observations applied. De Brimont v. Penniman (1873) 10 Blatchford's Circuit Court Rep. 436, held applicable. Harrop v. Harrop (1920) 3 K. B. 386; 123 L. T. 580; (1920) W. N. 209, 36 T. L. R. 635; 64 S. J. 586.

TAXATION.

Sec. 31 of the English (No. 2) Act, 1915 contains provisions with respect to the charge of income tax on non-residents.

By sub-s 3: "Where a non-resident person not being a British subject or a British, Indian, Dominion, or Colonial firm or company or branch thereof, carries on business with a resident person, and it appears to the Commrs. by whom the assessment is made that, owing to the close connection between the resident and the non-resident person, and to the substantial control exercised by the non-resident over the resident, the course of business between those persons can be arranged, and is so arranged that the business done by the resident in pursuance of his connection with the non-resident produces to the resident either no profits or less than ordinary profits which might be expected to arise from that business, the non-resident person shall be chargeable to income tax in the name of the resident person as if the resident person were an agent of the non-resident person."

By sub-s 4: "Where it appears to the Commissioners by whom the assessment is made or, on any objection or appeal to the general or special Commissioners that the true amount of the profits or gains of any non-resident person chargeable in the name of a resident person with income tax cannot in any case be readily ascertained, the Commissioners may, if they think fit, assess the non-resident person on a percentage of the turnover of the business done by the non-resident person through or with the resident person in whose name he is chargeable..."

By sub-s 4: "The amount of percentage shall in each case be determined, having regard to the nature of the business, by the Commissioners by whom the assessment on the percentage basis is made, subject, in the case of an assessment made by the additional Commissioners, to objection or appeal to the general or special Commissioners" with a further appeal to a referee or board of referees.

By s. 38 and the following sections all trades and businesses of any description carried on in the United Kingdom with certain specified exceptions are made liable to excess profits duty, which duty is by s. 45 to be assessed by the Inland Rev. Commrs with an appeal to the general or special Commrs.

By s. 45 sub-s. 7: "The Commissioners of Inland Revenue may make regulations with respect to the assessment and collection of the excess profits duty and the hearing of appeals under this section, and may by those regulations apply and adapt any enactments relating to the assessment and collection of income tax, or the hearing of appeals as to the income tax by the general or special Commissioners, which do not otherwise apply".

The Inland Rev. Commrs made regulations dated January 6, 1916, providing (inter alia) that s. 31 of the Finance (No. 2) Act, 1915, should apply to the assessment and collection of excess profits duty and the hearing of appeals in connection therewith.

An American company who manufactured a certain razor entered into an arrangement with an English company by which it sold its razors to the English company upon terms by which the American company should take the greater part of the difference between the cost of the articles and the price paid by the retailer to the English company. The Inland Rev. Commrs. assessed the English company to excesse profits duty as agents of the American company:

Held, that s. 31 of the Act of 1915 could not be applied to excess profits duty so as to enlarge the scope of the duty, and that therefore the assessment was invalid. Gillette Safety Razor, Ld v. Inland Rev. Commrs. (1920) 3 K. B. 358; 89 L. J.

Income from foreign investments not remitted to the United Kingdom, but received abroad by a person not domiciled in this

country, is not chargeable with income tax by reason of the fact that the investments stand in the names of trustees who are domiciled here.

Shares in a manufacturing company carrying on its business in a foreign country are not "foreign securities" within Case 4 of Sch. D. to s. 100 of the Income Tax Act, 1842, but are "foreign possessions" within Case 5, and therefore the duty to be charged in respect of them is to be computed on an average of the three preceding years, and not on the actual amount received in the current year. Sect. 5, cl. (b) of the Finance Act, 1914, exempts income paid or due before April 6, 1914, and retained abroad from liability to income tax if subsequently received in the United Kingdom, but does not exclude such income from the computation of the three years' average necessary to arrive at the amount of the current year's income liable to be taxed. Singer v. Williams—H. L. (E.) 89 L. J. (K. B.) 1218; 123 L. T. 625; (1920) W. N. 205; 36 T. L. R. 659; 64 S. J. 569.

By s. 31, sub-s. 2, of the Finance (No. 2) Act, 1915, "A non-resident person shall be chargeable in respect of any profits or gains arising, whether directly or indirectly, through or from any branch, factorship, agency receivership, or management, and shall be so chargeable under s. 41 of the Income Tax Act, 1842, as amended by this section, in the name of the branch, factor, agent, receiver, or manager."

The appellants were a Danish firm resident in Copenhagen manufacturing and dealing in cement-making and other similar machinery which they exported all over the world. They had an office in London in charge of a qualified engineer who was their whole-time servant. He received inquiries for machinery such as the appelants could supply, sent to Denmark particulars of the work which the machinery was required to do, including samples of materials to be dealt with, and when the machinery was supplied, he was available to give the English purchaser the benefit of his experience in erecting it. The contracts between the appellants and their customers were made in Copenhagen and the goods were shipped f. o. b. Copenhagen. The Commrs. held that the appelants exercised a trade within the United Kingdom and were assessable to income tax:-

Held, that the place where a trade was exercised was the place where the transactions forming the alleged business were closed, in the case of a selling business by the sale of the commodity, and the profit thereby realized, and that therefore the appelants exercised their trade in Denmark, and that they could not in respect of the same profits and gains exercise their trade elsewhere.

Held, further, that s. 31, sub-s. 2, of the Finance (No. 2) Act, 1915, did not bring into taxation profits made by non-residents from a trade not exercised in the United Kingdom and that therefore the appelants could not be assessed through their London office as a "branch" upon the profits which the appelants made by trading with this country. Smidth (F. L.) & Co. v. Greenwood. (1920) 3 K. B. 275; 89 L. J. (K. B.) 993; 36 T. L. R. 760.

II. UNITED STATES OF AMERICA *

ADMIRALTY.

A court of admiralty may award damages against the owner of a vessel for the death of a seaman thereon, where such right of action is given by the statutes of the state where the death occured and by those of the state where the vessel belongs.

Liability for the death of seamen, killed by explosion of a boiler on a boat, the home port of which was in Tennessee, and which, when absent therefrom was employed in the interstate commerce, held governed by the statute of Tennessee, although the deaths occured in the waters of Mississippi. Patton Tully Transp. Co. v. Turner, 269 F. 334.

A seaman on a Norwegian vessel, injured in the port of Gibraltar by the explosion of a steam gauge glass, held not entitled to recover compensation from the vessel under any law proved, but entitled to the expense of his maintenance and cure. The Hanna Nielsen, 267 F. 729.

ALIENS.

The manifesto and programme of the Communist Party, for the overthrow of the present system of government by mass strikes and the substitution of a communist rule, even if not directly advocating force and violence, do not exclude the use of such means, so that the holding of the Department of Labor that the party is an organization for the overthrow of the government by force and violence, membership in which is ground for deportation of an alien, will not be set aside on application for habeas corpus.

If the ultimate purpose of an organization is the overthrow of the government by force and violence, its alien members can be deported, though there is no apparent possibility of such overthrow in the immediate future.

A denial by a member of the Communist Party of intention to use force or violence for the overthrow of the government does not prevent deportation of that member, if the programme of the party fairly supports a finding that the party advocated the use of force and violence. U. S. v. Wallis, 268 F. 413.

Foreigners are not granted citizenship as a privilege which they demand, but as an act of grace by the government, which may fix such conditions as it sees fit.

The character of the applicant for citizenship is considered, with reference to the probability of his citizenship resulting beneficially to the government.

Where the purpose of an applicant for naturalization was to secure the protection of the government and obtain a passport for his return to his native country for his wife and children, whom he had left there seven years before, and with whom he had not communicated since, his abandonment of his family and the possible obligations to protect him which would be imposed upon the United States are sufficient to warrant denial of naturalization, especially where he had sought deferred classification under the draft laws because of the dependency of his family to whom he was making no contribution, thereby evidencing an intent to evade the duties of citizenship. In re Sigelman, 268 F. 217.

Where petitioner for naturalization had for years conducted a disorderly hotel, he would be permanently barred from citizenship by denying his naturalization application with prejudice.

Denial of naturalization petition on the ground applicant was not a man of good moral character debarred his again seeking citizenship for at least five years thereafter.

The government may inquire into the entire life history of the candidate for naturalization, in determining his right to naturalization, through the cross-examination prescribed by Naturalization Act June 29, 1906, no. 11 (Comp. St. 4370)

Where affidavits of witnesses to naturalization application specifically recited that they possessed personal knowledge of the fact that the candidate was a man of good moral character, whereas in fact he ran an assignation house, such witnesses would be debarred from further appearance as naturalization witnesses in the court.

A witness who is incompetent renders a naturalization application void. A competent naturalization witness cannot be substituted for an incompetent one.

Where an alien engaged in an immoral and illegal business procures naturalization, he will on proper proceedings be stripped of his citizenship on the ground that he fraudently and illegally procured it. In re Kornstein 268 F. 172.

Under article 4 of the Treaty of March 2, 1899, with Great Britain, providing that the stipulations of such treaty shall not apply to any of the British colonies, unless notice to that effect shall have been given on behalf of such colony by the British government, where such notice was never given on behalf of Canada, is not entitled to the benefits of articles, 1 and 2, relative to inheritance, and cannot inherit land in Kansas, contrary to the laws of that state.

Where the British government never gave the required notice to extend the treaty of March 2, 1899, to the Dominion of Canada, the fact that such Dominion, in the exercise of its legislative authority, has given aliens the right to inherit, cannot give a British subject, who is a citizen and resident of Canada, the rights of inheritance given by the treaty, contrary to the law of the state. Sullivan v. Kidd, 41 S. Ct. 158.

Where the record of a hearing before a board of special inquiry, resulting in an order for deportation of an alien, was forwarded to the Secretary of Labor, before whom a brief was also filed by counsel for the alien, his substantial rights held to have been as fully protected as by a formal appeal. Shigezumi v. White 269 F. 258.

The opportunity to become a citizen of the United States is a mere privilege extended to the alien, and not a right.

Act July 9, 1918, no 2, amending Selective Service Act no. 2 (Comp. St. Ann. Supp. 1019 no 2044b), so as to bar from citizenship one who had declared his intention to become a citizen and thereafter claimed exemption from military service on the ground of alienage, was merely declaratory of the law, and did not add to nor detract from the inherent powers of the court under the naturalization law to hold a plea of alienage in bar of performance of military service a bar of admission to citizenship.

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An alien, who, after declaring his intention to become a citizen, claimed exemption from military service on the ground of alienage in any part of the draft questionnaire returned by him, is barred from admission to citizenship, so that one claimed such exemption on the first page of his questionnaire cannot be naturalized, though, in answer to the question under Series 7, he stated that he did not desire exemption on that ground. In re Tomarchio, 269 F. 400.

An alien who deserted from the military service of the United States, and was convicted and sentenced therefore by a court martial, will not be admitted to citizenship. In re Gnadt, 269 F. 189.

It is an indepensable prerequisite to the admission of an alien to citizenship that he possess an acquaintance with and working knowledge of the Declaration of Independence and Constitution of the United States, and have a comprehension of the obligations, responsibilities of citizenship arising from his taking the oath of allegiance, and it is not sufficient that during his residence he has been peaceable, industrious, of good character, and law abiding. In re Goldberg, 269, F. 392.

A German subject, who in 1914, after having made his declaration of intention, registered for military service with a German consul, held not entitled to admission to citizenship on such declaration, but under the facts shown entitled to refile or make a new declaration. In re Cuny, 269 F. 464.

Where an alien, who had declared his intention to become a citizen, thereafter attempted to volunteer for the military service of his native country but was rejected, so that he took his oath of allegiance in connection therewith, his act was not a recognition of the claim of his native country to his services, and therefore does not bar his admission to citizenship, as his registration for compulsory service would have done. In re Watkiss, 269 F. 466

Act June 29, 1906, no 4, subd. 7, as amended by Act May 9, 1918, (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4352), relative to the naturalization of "any alien," Porto Rican, or Filipino, serving in the army, in navy, etc., merely provided more expeditions and favorable terms of admission for such persons than before existed and does not extend the right of naturalization to aliens other than free white persons, aliens of African nativity and persons of African descent, specified in Rev. St. 2169 (Comp. St. 4358), in view of section 2 of the act of 1918 (section 4352aa), providing that nothing therein shall repeal or enlarge section 2169, except as specified in subdivision 7 and under the limitations therein defined. In re Geronimo Para, 269 F. 643.

Where an alien, after having declared his intention to become a citizen of the United States, applied for and obtained a passport from the consular representative of his native country as a subject of such country, to return thereto, his action nullified his declaration, and a petition for naturalization cannot thereafter be based thereon. In re Aldani, 269 F. 193.

Under Act Feb. 5, 1917, No. 19 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, No. 4289 ¼ jj), provides that, where any person is ordered deported under any law or treaty, the decision of the Secretary of Labor shall be final, where a Chinese person seeking to enter the country as the son of a Chinese merchant was accorded a fair hearing, with every opportunity to introduce all available testimony and evidence, and ample opportunity for argument by counsel, the decision of the Secretary of Labor that the alleged father was not a merchant, but a mere peddlar or huckster, was conclusive in a habeus corpus proceeding. White v. Fong Gin Gee, 265 F. 600.

In a proceeding under Act Oct. 16, 1918 (Comp. St. Ann. Supp. 1919, No. 4289 ¼ b (1)—4289 ¼ b (3)), for the deportation of an alien on the ground that he advocated the unlawful destruction of property, the ordinary rules of evidence do not apply, and a hearsay affidavit as to alien's statements was admissible. U. S. v. Uhl, 266 F. 34.

An order for deportation of an alien under Act Oct. 16, 1918, No. 1 (Comp. St. Ann. Supp. 1919, No. 4289 ¼ b (1)), on findings based on his own testimony, where he was given a fair hearing, cannot be reviewed on habeas corpus because he later denied some of the sentiments previously expressed: the findings of fact by the executive department being conclusive.

Act. Oct. 16, 1918, No. 2 (Comp. St. Ann. Supp. 1919, No. 4289 ¼ b (2)), in providing for deportation of aliens who are members of anarchist, and similar classes, contemplates a summary investigation, and not a judicial trial, and the formalities of procedure and rules which govern the admissibility of evidence in a judicial trial are not controlling in such proceedings. U. S. v. Uhl, 266 F. 646.

Under Immigration Act Feb. 5, 1917, No. 19 (Comp. St. 1918, Comp. St. Ann. Supp. No. 4289 ¼ jj, 4289 ¼ u), an alien who shall have entered or who shall be found in the United States in violation of the Chinese Exclusion Laws (Comp. St. No. 4290 et seq.), may at any time within five years after entry, and irrespective of the time of entry, whether before or after passage of the act of 1917, be taken into custody on the warrant of the Secretary of Labor and deported.

Where Chinese were admitted as citizens on evidence that their father was a native of the United States, the burden of attack rests on the government; but, where the evidence is sufficient to show that the original certificates granted them were obtained by fraud, deportation may follow.

That a Chinese alien was arrested for gambling and fined on a plea of guilty some years after this entry on a merchants certificate, which was not impeached, held not sufficient to warrant his deportation on the ground that he had criminal tendencies or was likely to become a public charge at the time of entry. Ng Fung Ho v. White 266 F. 765.

A Chinese alien, domiciled in this country as a laborer is not entitled to admission of his wife and minor children.

A finding by the immigration authorities that the status of a Chinese alien was that of a laborer and not of a merchant under Act Nov. 3, 1893, No. 2 (Comp. St. No. 4324), held not reviewable, where based on evidence showing that, while he was a member of a mercantile firm and helped conduct its business, he also devoted a considerable part of his time to superintending and working in a fruit orchard, which he leased. Chas Gai Jan v. White, 266 F. 809.

Congress by statute may forbid aliens from coming into the United States, and may provide for their expulsion, devolving upon the executive department or its subordinate officers the duty of carrying out the law.

Under Act Feb. 20, 1907, providing that, when the President shall be satisfired that passports issued by any foreign government to its citizens to go to other countries are being used for the purpose of enabling the holders to come into the continental territory of the United States, the President may refuse to permit such citizens to enter the continental territory of the United States, as well as the proclamation of President Roosevelt superseded by the so-called "gentleman's agreement" between the United States and Japan and the proclamation of President Taft, a Japanese laborer is not entitled to enter the continental United States, even though he left Japan without passport.

Under Act Feb. 5, 1917, a Japanese laborer, who entered the United States surreptitiously without passport, deserting a vessel on which he was a coal passer, may, his entry being unlawful under Act Feb. 5, 1917, and the presidential proclamations, be deported five years thereafter.

Where the order of the Acting Secretary of Labor, directing the arrest of a Japanese person and that he be granted a hearing, to show cause why he should not be deported, recited that he had entered the United States in violation of Act Feb. 5, 1917, such recital was immaterial, though the entry occured before the passage of the act; the question for determination in the deportation proceedings being whether the alien was lawfully in the United States and whether there existed any authority for his deportation. Akira Ono v. U. S. 267 F. 359.

Iowa

A state cannot pass arbitrary laws excluding foreigners from its borders; the power to regulate and restrict immigration resting in the federal government alone. State v. Bartels, 181 N. W. 508.

New York

The right of alien enemies to purchase or inherit land is a subject which every state, in the absence of inconsistent treaty, may regulate for itself.

Despite the President's proclamation of December 11, 1917, issued under Rev. St. U. S. No. 4067 (U S. Comp. St. No. 7615), or Act Cong. Oct. 6, 1917, c. 106, (U. S. Comp. St. 1918 U S. Comp. St. Supp. 1919, No. 3115 ½j), an American woman, married to a subject or citizen of Austria-Hungary, when her father died, 20 days after war was declared between Austria-Hungary and the United States, was not an "alien friend" entitling her to inherit his lands under Real Property Law, No. 10, as amended by Laws 1913, c. 162; an "alien friend" being the subject of a foreign state at peace with the United States, and an "alien enemy" being the subject of such a state at war with the United States.

Trade during the war in aid of enemy's resources, since it tends to prolong the combat, is illegal for every one within the jurisdiction of the country, whether enemy or friend.

Commercial domicile, and not the mere fact of alienage, determines the enemy character of commerce; if a citizen of the country does business in hostile territory, trade is prohibited with him as much as with an alien. Techt v. Hughes, 128 N. E. 185.

Washington

Const. art. 2, No. 33, prohibiting ownership of lands by aliens other than those who have declared their intention to become citizens, is deprived of practical effect if filing of declaration of intention by an alien landowner after the state has instituted action to escheat the lands relates back to the time of acquiring the land so as to defeat the right of the state.

Under Const. art. 2, No. 33, prohibiting land ownership by aliens who have not in good faith declared their intention to become citizens, the declaration of intention must be in good faith toward the government with an intention to assume the obligations as well as the benefits of citizenship, so that a declaration of intention by an alien made on advice of his counsel after an action for escheat of his land had been instituted by the Attorney General and within a short time after he claimed military exemption because of his alienange is not in good faith and does not prevent the escheat of the lands. State v. Staeheli, 192 P. 991.

CONTRACTS.

A contract between two domestic corporation for the carriage of cargoes of nitrates from South American ports to domestic ports were not terminated by the declaration of the war with Germany, though thereafter its performance was subject to greater hazards. Luckenbach S. S. Co. v. W. R. Grace & Co., 267 F. 676.

Whether a provision of a contract is invalid, as contrary to public policy, is to be determined by the public policy, in force in the state where the contract is sought to be enforced, either general or established by its Constitution or statutes, or by the decisions of its highest courts. Becker v. Interstate Business Men's Acc. Ass'n of Des Moines, Iowa. 265, F. 508.

Arkansas.

Since Crawford & Mose's Dig. Nos. 751, 762 and 770, make it a misdemeanor for any foreign investment company to sell securities without the bank commissioner's approval, the illegality of such a sale and of notes given therefor is not removed by a later compliance with the statute and securing a certificate authorizing sale of securities; the transaction being void, not voidable. Randle v. Interstate Grocer Co, 227 C. W. 760.

Florida

The nature of contracts is governed by the law of the place where they are made or are to be performed. Brown v. Case 86 So. 684.

Minnesota

Where an agent is authorized to enter into contracts in a state other than that of residence of his principal, the place where he exercises that authority is the place of contract.—Kamper v. Hunter Land Co., 178 N. Y. 747.

New York

A contract in 1915 for the sale of linens, for delivery as soon as possible, held, in view of the existing World War conditioned on the seller's ability to perform, and to recover for a breach of the contract, the buyer must allege and prove possibility of performance. Roy Realty Co. v. B. Altman & Co., 184 N. Y. S. 458.

Where contract for the sale of box shooks by a Virginia lumber company to a box company of New York took form of a letter from the lumber company in Virginia to the box company in New York confirming a day letter or telegram, the agreement contemplating that it should be performed in Virginia by shipment there, the contract must be treated in the courts of New York as a Virginia one, and governed by the rules of common law. Bernhardt Lumber Co. v. Metzloff, 184 N. Y. S. 289.

As a general rule, a contract entered into in another state, if valid according to the law of that place is valid everywhere. In re Seymour, 185 N. Y. S. 373.

Congress had the power to make an enactment as a war measure which might impair the obligation of existing contracts, and hence had the power to enact the Lever Act (U. S. Comp. St. 1918, U. S. Comp. St. Ann. Supp. 1919 Nos. 3115 ⅛e-3115 1/8kk, 3115 1/8l-3115 1/8r). Standard Chemicals & Metals Corp. v. Waugh Chemical Corp. 185 N. Y. S. 207.

CORPORATIONS.

A foreign corporation, which had filed notice of withdrawal from business within the state, and created a subsidiary corporation of the same name to do business therein, but which conducted all its dealings with the local agent of the subsidiary corporation directly, and not through the officers of subsidiary is present within that state and district, and may there be served with process, though on its books it recorded the business done with the agent as business of the subsidiary. Cutler v. Cutler Hammer Mfg. Co., 266 F. 388.

Arkansas

Institution and prosecution of an action by a foreign corporation is not the doing of business within the state. Linton v. Erie Ozark Mining Co, 227 S. W. 411.

Crawford & Moses' Digest No. 9967, requiring persons, firms or corporations doing business in Arkansas to pay into the state treasury a tax of 5 per cent of the gross premiums paid by it to corporations or associations not authorized to do business in the state for policies of insurance on its property in the state, is valid as an occupation tax in its application to defendant, foreign corporation; the Legislature having the power to prescribe the terms on which foreign corporations may do business in the state. State v. St. Louis Cotton Compress Co., 227 S. W. 605.

California

In order that service on a foreign corporation made on an officer within the state be valid under Code Civ. Proc. No. 411 the corporation must transact within the state some substantial part of its ordinary business by its officers or agents appointed for that purpose. Davenport v. Superior Court of California in and for Imperial County, 191 P. 911.

Defendants foreign corporation, which, although it had not completed its organization under the laws of Illinois, nevertheless allowed itself to be held out in California as a corporation, conducting business in the state as such, is stopped to deny the validity of its organization, to invalidate service of process on it through an agent.

Where the agent of a foreign corporation, compensated by commissions, acted, negotiated, and made binding contracts for it, pursuant to its business of purchasing fruit in California for shipment to itself in Illinois from the scope and extent of the business done by him, the court was warranted in holding that he sufficiently represented the company to bring it into court by service of process on him pursuant to Code Civ. Proc. No. 411, subd. 2 Charles Ehrlich & Co. v. J. Ellis Slater Co., 192 P. 526.

Colorado

Officer of foreign corporation being sued by the corporation, is not estopped from invoking the defense that the corporation has not complied with Rev. St. 1908, No. 904, requiring foreign corporations to pay certain fee to entitle them to prosecute or defend in any suit in the state. King Cooper Co. v. Dreher, 191 P. 98.

Idaho

A foreign corporation doing business in the state, having appointed a statutory agent on whom process may be served, but which fails to refill the office on the agent's removal from the state, is denied the benefit of the statutes limiting the time for commencement of civil actions during the time the designated agent is absent from the state, in view of Rev. St. 1887, No. 2653, amended by Laws 1903, p. 49 and C. S. No. 4778. Dahlstrom v. Walker 194 P. 847.

Kentucky

In a prosecution of an agent for embezzlement, the defendant is estopped to deny the authority of his corporate principal to transact mercantile business in the state because of failure to comply with Ky. St. No. 511, requiring foreign corporations to file a statement with the secretary of state. Sebree v. Commonwealth, 227 S. W. 152.

Michigan

The secretary of state's determination as to the franchise fee payable by foreign corporation, which at times of application for admission had not been engaged in business outside of Michigan for at least six months was not reviewable by the board of appeal, under the act authorizing corporation to transact business in the state (Comp. Laws 1915, No. 9063-9065) since the entire authorized capital stock of such corporation was taxable, and since the board of appeals as jurisdiction is limited to a review of the determination of the proportion of capital stock represented by tangible property within the state where only such proportion is taxable.

Where a Delaware corporation, with common stock at the par value of $10 per share amended its charter after payment of franchise fee, under an act permitting foreign corporations to transact business in the state, Comp. Laws 1915, No. 9063 et seq., so as to provide for the issuance of no par value stock, it was required, in order to continue doing business in the state, to pay a franchise fee on such stock computing it at the par

value of $100 per share, under section 9067. Detroit Mortg. Corporation v. Vaughan, 178 N. W. 697.

A foreign corporation, licensed under Comp. Laws 1915, c. 175, relating to mercantile and manufacturing corporations, section 9039 of which authorizes such corporation to sue and be sued as natural persons, and in view of Const. art. 12, No. 2, as to natural persons, has the situs of domestic corporations for jurisdictional purposes, and under Comp. Laws 1915, No. 12340 et seq., can sue in the county of its principal place of business for breach of contract a corporation not organized under the laws of the state. Republic Motor Truck Co. v. Buda Co., 179 N. W. 474.

Minnesota

Where an action for the appointment of a receiver is against a foreign corporation having resident stockholders, a receiver may be appointed without first establishing the existence of assets within the state. Parten v. Southern Colonization Co., 178, N. W. 744.

The agency created by the appointment of a resident agent for the service of process on a foreign corporation is for the benefit of those who have a right to rely on its existence in transacting business with the corporation, and is not coupled with an interest in favor of one who theretofore dealt with the corporation.

Service on the secretary of state in order to obtain jurisdiction of a foreign corporation is only authorized under Gen. St. 1913, No. 6206, where the corporation has a resident agent to accept service, who cannot be found within the county of his residence.

As a general rule, service of process on an agent of a foreign corporation, when served, was transacting business in the state where the action is brought. Fletcher v. Southern Colonization Co. 181 N. W. 205.

Where a contract between a nonresident plaintiff and a foreign corporation had been made and breached, so that a cause of action had accrued prior to the appointment of an agent for defendant corporation for the service of process, jurisdiction was not acquired by service on the agent, where the corporation had theretofore withdrawn from the state and the agent had resigned, notwithstanding that final payment on the contract had been made after the agent's appointment and resignation, and after defendant's withdrawal from the state. Keller v. Southern Colonisation Co. 181 N. W. 208.

Missouri

In view of Rev. St. 1909, Nos. 3360, 3362, and particularly section 3037, a foreign corporation cannot consolidate with a Missouri Corporation in a proceeding in the Missouri courts under sections 2996-3000 to dissolve the Missouri corporation after acquiring all its stock, particularly when neither of them is engaged solely in manufacturing. In re Doe Run Lead Co. 223 S. W. 600.

New Jersey

The proper method of proof of existence of a foreign corporation is by a copy of the certificate of incorporation certified according to the act of Congress. Maagget v. A. Brawer Silk Co., 111 A. 656.

A contract, entered into outside the state by foreign corporations, and to become binding only when accepted by one of them at its home office, does not come within the interdiction of Corporation Act, No. 98, because signed by one of the parties to it within the state.

Corporation Act, No. 98, providing that until a foreign corporation doing business in the state obtains a certificate authorizing it to do business there, it may not sue on a contract made in the state, does not reach a contract made out of the state.

Right of foreign corporation, without taking out certificate, to maintain action in the state on contract made out of the state, is unaffected by the reciprocity provision of Corporation Act, No. 101, where the law of the other state, though more exacting and imposing a more drastic penalty, penalizes only for contracts made in the state. Lehigh Structural Steel Co. v. Atlantic Smelting & Refining Works, 111 A. 376.

New York

Where, by an interchange of letters, defendant undertook to manufacture at its factory in a foreign state certain goods for plaintiff, and thereafter defendant by mail repudiated its contract, the breach occured in New York, the mails being defendant's agent; hence the cause of action arose within the state of New York, so that service could be made on defendant's agent therein, pursuant to Code Civil Proc. No. 432, subd. 3.

Where a corporation maintained a permanent sales force in New York to solicit and forward orders to be filled at its factory in Pennsylvania, and the office was under its name, etc., it must be deemed doing business within the state, so that service of process on account of a cause of action arising in the state might be had on the agent in charge of the sales force, pursuant to the Code Civ. Proc. No. 432, subd. 3 Glynn v. Hyde-Murphy Co., 184 N. Y. S. 462.

Where a foreign corporation maintained an agent in New York City as Eastern representative, whose sole duty was to take orders to be passed on by the home office; no merchandise being kept within this state, service of process on such agent, will not bind the corporation, under Code Civ. Proc. No. 432 Foreign Products Co. v. C. C. Mengel & Bro. Co. 184, N. Y. S. 457.

Code Civ. Proc. No. 636, subd. 2, expressly authorizes attachment against a foreign corporation, and such a corporation is not immune from attachment because duly authorized to transact business in New York a corporation having but one domicile, which is in the sovereignty under which it is incorporated. Printess v. Greene 184 N. Y. S. 558.

Where foreign corporations had no property in the state other than bonds and note deposited with trust company as trustee and balance on bank account, and confined its operations in the state to collection and distribution to its stockholders of income from stock and obligations of other foreign corporations, it was not required to pay license fee under Tax Law, No. 181, or franchise tax under section 182, since its activities in the state were confined to management of internal affairs as distinguished from maintenance of organization for profit and gain, and could as effectively been done in other state, for which reason it did not do "business in this state" or "employ capital in this state" within the Tax Law.

The condition of doing business in this state, within Tax Law implies that the foreign corporation is accomplishing acts and activities within the state which the state might reasonably and with ordinary interstate comity interdict or prevent, and the doing of which was a privilege which required governmental consent, supervision, and control, and which necessitated or sought governmental opportunity and protection, to be compensated or balanced by contributions, through taxation, to the burden of government.

Foreign corporation, to be subject to Tax Law, No. 181, providing for payment of license fee, and section 182, imposing franchise tax, must carry on its business in the state, and also employ capital within the state; it being necessary that both conditions concurrently exist. People ex rel. Manila Electric. R. R. & Lighting Corp. v. Knapp, 128 N. E. 892.

General Corporation Law, No. 15, prohibiting suit by foreign corporation without certificate from secretary of state, does not prohibit the assertion of a counter-claim by a defendant foreign corporation sued in New York, though it has not complied with the section.

Under Tax Law, No. 181, as amended by Laws 1895, c. 240 a foreign corporation, which has not paid the license tax exacted, may nevertheless assert a counterclaim in an action against it, though precluded from maintaining action itself, except on payment of the tax, after 13 months from the time of beginning business within the state. James Howden & Co of America v. American Condenser & Engineering Corp, 185 N. Y. S. 159.

A trading corporation which has filed its designation pursuant to the laws of the state and received its license, is a "resident" of the state within the contemplation of law Guant v. Nemours Trading Corporation, 186 N. Y. S. 922.

A foreign corporation's maintenance of a fiscal agent, a regular brokerage concern selling its stock on commission within the state, does not constitute "doing business within the state", necessary for jurisdiction for service of process upon the corporation's president happening within the state.

That the sales manager of defendant corporation once visited plaintiff's office in this state and solicited a purchase of lumber, which was confirmed by defendant's letter written from another state, does not constitute "doing business within the state", required for jurisdiction to enable service of process on defendant's president happening within the state, but not on defendant's business. Sunrise Lumber Co. v. Homer D. Biery Lumber Co. 185 N Y. S. 711.

If no person has been designated to receive service of process for defendant foreign corporation, it is a condition precedent to valid service on its managing agent that the proofs show that due diligence has been used, but without success, to find the officers specified in Code Civ. Proc. No. 432, subd. 1. Constantine v. Bennett's Travel Bureau, 186 N. Y. S. 73.

Service on a foreign corporation can be made on its man-

aging agent within the state only where no designation of agent for service has been made as provided in General Corporation Law, No. 16, or if neither the person designated nor an officer specified in Code Civ. Proc. No. 432, subd. 1, can be found with due diligence. John Taplinger & Co. v. Montgomery Ward & Co., 186 N. Y. S. 77.

Where the sheriff has levied a warrant of attachment on the proceeds of a draft held by a bank as the property of a defendant foreign corporation, and on motion to vacate service by publication it alleged that it sold certain goods to plaintiff, and that the draft received in payment, accompanied by bill of lading, was assigned and delivered to another bank in part payment of another loan to it, the motion will be denied, in view of Code Civ. Proc. No. 657, providing for a trial where property held by the sheriff under a warrant of attachment is claimed by a third party. Union Smoked Fish Co. v. Tillamook Bay Fish Co. 185 N. Y. S. 479.

A foreign corporation may sue in the courts of New York in like manner and subject to the same regulations as a domestic corporation; the exception, "except as otherwise specially prescribed by law", made by Code Civ. Proc. No. 1779, referring to the license which a foreign corporation is required by General Corporation Law No. 15, to obtain as a condition precedent to doing business in the state, and the certificate which it is required by Tax Law, No. 181, to obtain as a condition subsequent, that it has paid the license fee for the privilege of carrying on its business.

Under General Corporation Law, No. 15, even though the contract of a foreign corporation may have been made in the state, the corporation may sue thereon in the state, provided it is not doing business in the state.

Under General Corporation Law, No. 15, even if a foreign corporation is doing business within the state without having obtained a license thereof, it may still sue in the courts of the state on a contract made outside of the state.

To bar plaintiff foreign corporation, suing on contract, on its motion for judgment on the pleadings, the pleadings must show that plaintiff, without having obtained the license required by General Corporation Law, No. 15, carried on its business in the state, and made the contract in question in the state.

In action on contract by a foreign corporation, if the facts that it was not licensed, although doing business in the state, and that the contract sued on was made in the state are not set up in the pleadings, defendant cannot prove them upon the trial, defendant may nevertheless move for a nonsuit upon that ground, and will be entitled to have the complaint dismissed.

In action on contract by a foreign corporation, if it appears from the face of the complaint that plaintiff did business in the state, and made the contract in question in the state, and there is no allegation that it obtained the license to do business required by General Corporation Law, No. 15, defendant may demur to the complaint; but if the facts that plaintiff, although doing business in the state, was not licensed and that the contract was made in the state, do not appear on the face of the complaint, defendant must answer, setting up such matters as defenses.

In action on contract by a foreign corporation, it is not required to allege that it had a license to do business, unless the facts show that it was doing business in the state, and made the contract sued on in the state. J. M. & L. A. Osborn Co. v. Kennedy, 186 N. Y. S. 721.

North Carolina

A buyer for defendant foreign company, who made the contract with plaintiff on which action is based, held a "managing agent" upon whom process might be served, while he was within the state making other contracts for defendant. Royal Furniture Co. v. Wichita Wholesale Furniture Co. 105 S. E. 176.

Oregon

Or. L. No. 6908, requiring foreign corporations to comply with certain conditions before engaging in business within the state, has no application to the contract of a foreign corporation made, and so far as its obligations are concerned to be performed in another state.

The mere employment of an agent to transact the corporation's business is not doing business within the meaning of Or. L. No. 6908, requiring foreign corporations to comply with certain conditions before engaging in business within the state.

A contract with brokers in which the latter were to sell products of a foreign corporation's mill produced in the state of Washington which were shipped to other states or countries had to do with interstate commerce, and did not constitute the doing of business in the state within the meaning of Or. L. No. 6908, requiring foreign corporations to comply with certain conditions before doing business within the state.

Execution by a foreign corporation in the state of a trust deed to raise funds to carry on ordinary business in a foreign state held not the doing of business within the state within the meaning of Or. L. No. 6908, requiring foreign corporations to do certain things before doing business in the state.

The asking of aid of the courts of the state to enforce contracts that relate to legitimate business to be done in other states, and that are not prohibited by the laws of the state, does not constitute the doing of business within the state within the meaning of Or. L. No. 6908, requiring foreign corporation to comply with certain conditions before engaging in business within the state.

Foreign corporations not complying with requirements of Or. L. No. 6908, will not be permitted to sue in the state to enforce a contract or for the breach thereof made with the view of conducting business in the state or while transacting such business therein. Major Creek Lumber Co. v. Johnson, 195 P. 177.

Pennsylvania

Though Act April 26, 1855, (P. L. 329) No. 5, forbids foreign corporations to acquire and hold real estate within the commonwealth, it is a statute of mortmain, and only the commonwealth can question the right of such a corporation to take *and* hold real estate, and an agent thereof who took title in his own name to lands purchased with corporate funds cannot set up the illegality of the transaction in a proceeding to compel him, as trustee, to convey title. Seifert V. Rusch, 112 A. 121.

South Carolina

To preserve the property of defendant foreign corporation for execution after judgment, plaintiff, is entitled to attach its property within the state at any time during pendency of action and prior to judgment, though defendant may have submitted its person to the jurisdiction by appearance or answer.

The acceptance of service of summons and appearance by defendant foreign corporation does not effect the question whether or not defendant is entitled to discharge of attachment because the affidavit on which the warrant was issued was not filed in the clerk's office within 48 hours, as required by Code Civ. Proc. 1912, No. 281; an attachment proceeding. Lester S. Fox Film Corporation 103 S. E. 775.

South Dakota

Where notes payable to foreign corporation were executed within the state, but were sent to other state, and the transaction completed in other state, the corporation was not transacting business in the state within Civ. Code, No. 883, forbidding foreign corporations from transacting business in the state without first complying with the requirements of the statute. Schiller Piano Co. v. Hyde, N. W. 196.

Texas

A foreign corporation which had never gone beyond the promotion stage, and which had never done any business except sell stock and acquire through such sales some personal property which was in the process of liquidation, was not "doing business in this state" in order to maintain an action in any state court. Peerless Fire Ins. Co. v. Barcus, 227 S. W. 368.

A foreign corporation, manufacturing articles and shipping them to purchasers in Texas, was not doing business within the state by reason of its having an agent in the state who collected and adjusted accounts, and could maintain an action without procuring a permit. Caddell v. J. R. Watkins Medical Co., 227 S. W. 226.

Washington.

A contract between a manufacturer and a dealer, whereby the former sold to the latter its machines for resale under certain restrictions and conditions, did not make the dealer an "agent" of the manufacturer on whom summons can be served under Rem. Code 1915, No. 226, subd. 9, but the relation was that of buyer and seller only. Watson v. Oregon Moline Plow Co. 193 P. 222.

West Virginia

Service of process against a foreign corporation may be had on the auditor of state only in case such foreign corporation has been authorized to do business in West Virginia in accordance with Code 1913, c. 54. and in such case the return, to be valid, must show that fact.

Service of process against a foreign corporation doing business in West Virginia, made as provided by Code 1913, c. 50, No. 35 (sec. 2589), on its agent, must be had in the county in which such agent resided, and the return thereof

must show that fact, as provided by section 38 (section 2592) Leiter v. American-La France Fire Engine Co., 104 S. E. 56.

COURTS

Arizona

Jurisdiction of the subject matter cannot be waived, as by all parties' acquiescing in the proceedings had, and the question of the court's jurisdiction over the subject-matter may be raised at any time, as on appeal for the first time. In re Baxter's Estate, 194 P. 383.

Georgia

The courts of Georgia will not enforce a foreign law which is solely penal.

Whether a foreign statute is penal or remedial depends on whether it primarily imposes an arbitrary deferring punishment on one committing a wrong against the public, or whether its purpose is to define the damages accruing to individuals from a loss having a causal connection with the violation of the statute.

A statute may be both penal and remedial in its seperate elements, and if the remedial provisions of a foreign statute are comprehensive within themselves they will be enforced.

Kirby's Dig. Art. No. 848, and Acts Ark. 1909, p. 643, making the president of a corporation not furnishing certificate of its condition liable for debt contracted during the period of neglect, is remedial, and not penal, and an action thereunder may be maintained Sherman & Sons Co. v. Bitting, 105 S. E. 848.

Louisiana

The provision of Code Prac. art. 165, that when the defendants are foreigners, or have no known place of residence in the state, they may be cited wherever they are found is for the benefit of residents and does not give nonresidents an unqualified right to have the state courts dispose of their transitory actions, though personal service is had within the state.

Under rules of comity, the courts of our state may, where personal citation is had within their territorial limits, take jurisdiction between citizens of another state, where it is possible to do complete justice between the parties. Stewart v. Litchenberg 86 So. 734.

New York

The rule of comity is based on the theory that a court which first asserted jurisdiction will not be interfered with in the continuance of its assertion by another court of foreign jurisdiction until it is convenient and desirable that the one give way to the other, and is not a rule of law, but one of practice, convenience and expediency. National Park Bank of New York, v. Old Colony Trust Co. 186 N.Y.S. 717.

Pennsylvania

The courts of one state will not examine into the management of a corporation organized in another state. Thompson v. Southern Connellsville Coke Co., 112 A 533.

Texas

A suit to recover minerals unlawfully severed and converted in another state or the value of such minerals, where the petition is an independent cause of action for conversion distinct from that for trespass to the land, will be in this state and this right is not abridged or destroyed because it may be necessary to allege and prove right of possession. Copper State Mining Co.v. Kelvin Lumber & Supply Co., 227 S.W. 938

CUSTODIAN (ALIEN PROPERTY)

Congress had power to provide for immediate seizure in war times of property supposed to belong to the enemy, as it could provide for attachment or distraint, if adequate provision be made for a return in case of mistake; and, as it could also authorize seizure in pais, it could also authorize it through help of a court, and under trading with the Enemy Act Oct. 6, 1917 No. 17 (Comp. St. Ann. Supp. 1919, No.3151'2i), giving courts jurisdiction to make necessary orders and decrees for enforcing the act.

Under Trading with the Enemy Act Oct.6, 1917, No. 5 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, No. 3115 ½c), authorizing the President to exercise his authority under the act through such officers as he may direct, which he admittedly was doing through the Enemy Property Coustodian, and Act Nov. 4, 1918, giving the custodian the right to seize enemy property, a demand by the custodian for securities deposited by German insurance companies establishes that the President had required the delivery thereof to the custodian, as authorized by Trading with the Enemy Act, No. 7 (c)—section 3115½d—which makes out a case for enforcement of the demand by the courts under section 17, (section 3115½ i).

Trading with the Enemy Act Oct. 6, 1917, No.(c), as amended by Act Nov. 4, 1918 (Comp. St. Ann. Supp. 1919, No.3115½d) requires an immediate transfer of property to the Enemy Property Custodian on demand after investigation and determination by the President that it is enemy property without awaiting resort to the courts, and the determination is as decisive as in other cases under section 7 (a), and requires the court to order delivery of possession of the property to the custodian, without considering whether it is enemy property, which order is not final against the right of a claimant who may file a claim under section 9 (section 3115½e), and thereafter bring suit to establish his rights. Central Union Trust Co. of New York v. Garvan, 41 S. Ct. 214.

Where the bill to recover property seized by the Alien Property Custodian sets forth a claim to the property by a naturalized citizen previously filed with the Custodian, the jurisdiction of the court over the bill can be sustained, under Trading with the Enemy Act, No. 9 (Comp. St. 1918, Comp. St. Ann. Supp 1919, No. 3115½e), though plaintiff erroneously claimed jurisdiction for the court under Judicial Code, No. 2457 (Comp. St. No. 991, 1039).

A seizure of property by the Alien Property Custodian, under direction of the President, settles the Custodian's right to possession of property, under Trading with the Enemy Act, No.7c (Comp. St. 1918, Comp. St. Ann. Supp 1919, No. 3115½d), but does not determine the ownership thereof, and a claim may be filed by a resident friend, and subsequently suit brought to recover the property, under section 9 (section 3115½e) of that act.

Citizens, who held corporate stock as dry trustees for the alien owners, cannot object to the transfer of the title of such stock on the books of the corporation to the Alien Property Custodian after seizure by him of all the interest of alien owners therein.

A contract was entered into shortly before the declaration of war with Germany, whereby general owners of corporate stock agreed to sell their stock for five annual payments, each to be determined by the book value of the tangible assets of the corporation for the proceeding year. The contract also provided that the failure to make any payment should not affect title to stock already transferred from previous payments, and gave merely option to purchase the stock. Such contract was manifestly not a commercial transaction, since it disregarded good will as an element of value, and was shown by the declarations and letters of the purchasers to be intended to prevent loss of the corporation by the incapacity of the alien owners to vote their stock, and to be made with no intention to avoid confiscation, which was not anticipated. Held, the contract did not prevent the Alien Property Custodian from acquiring title to the stock by seizure of all the interest therein belonging to the alien enemies.

Since the right to confiscate enemy property on land was not generally recognized by the law, but exists solely by virtue of the Trading with the Enemy Act, section 7b of which (Comp. St. 1918, Comp. St. Ann. Supp, 1919, No. 3115½d) denies to any person any rights acquired by assignment of a chose in action by alien enemy, unless such assignment was made prior to the beginning of the war, an assignment of corporate stock which, though not technically a chose in action, is property of a similar nature, made before the declaration of war, even with intent to avoid confiscation, was valid against the Alien Property Custodian. Stohr v. Wallace, 269 F. 827.

New York

Trading with the Enemy Act. No. 7, as amended (U. S. Comp. St. Ann. Supp. 1919, No. 3115 ½d), applies only to claims for specific property in the possession of the Alien Property Custodian, and so does not prevent action in a state court to reform a German insurance company's contract of reinsurance and to recover judgment on it as reformed, or make such custodian a necessary party defendant thereto. Insurance Co. of Pennsylvania v. Prussian Nat. Ins. Co., 184 N. Y. S. 103.

DAMAGES.

The increased danger of capture or destruction by German submarines, subsequent to the declaration of war between the United States and Germany, based on mere rumors of the presence of German submarines, and on the instructions to the submarines by the German government, is not "restraint of princes" within charter party exemption from liability. Luckenbach S. S. Co. v. W. R. Grace & Co. 267 F. 676.

DEATH.

An action for wrongful death under the statute of Florida (Comp. Laws 1914, No. 3146), brought for the benefit of the estate of deceased, who left no wife, child, or other dependent, held not contrary to the public policy of Georgia, and maintainable in courts, although the statutes of the state do not give a right of action in such case. Gaston v. Western Union Telegraph Co., 266 F. 595.

DIVORCE.

Kansas

The pendency of an action for a divorce in another state is not a bar, nor a cause for stay, of proceedings in a similar action between the same parties in Kansas, where its court has obtained jurisdiction of defendant by service of summons. Omer v. Omer 193 P. 1064.

Missouri.

The welfare of the child is the primary consideration in a proceeding involving the question of its custody, so. where changed conditions necessitate, the court, having before it the children, may make an award of custody inconsistent with a foreign judgment regulating their custody.

Notwithstanding that petitioner seeking the custody of his minor children remarried, in violation of Rev. Laws Mass. c. 152, No. 21, within less than two years after respondent, their mother secured a divorce in Massachusetts, yet as the marriage was celebrated in another state petitioner was not subject to the penal provisions, and such remarriage is no ground for the mothers' refusal to deliver to petitioner the children for the periods fixed by the Massachusetts decree, particularly where, in a proceeding for a modification of such decree, petitioner's remarriage was set up. In re Leete, 223, S. W. 962.

New York

Under Code Civ. Proc. No. 1752, an action for divorce on the ground of adultery may be maintained in New York, where both parties were residents of the state when the offense was committed, where the parties were married within the state, where plaintiff was a resident at the time of the offense, and is such when the action is commenced, and where the offense was committed within the state, and the injured party, when the action is commenced, is a resident. Crouch v. Crouch, 183 N. Y. S. 657.

Where, in a prior divorce suit, in Nevada, the court found that the conduct of the wife in accusing outside the home circle, the husband, a physician, of misconduct with his women patients, resulting in his loosing business and professional standing, has seriously affected his health and threatened permanently to impair it, such findings and decree were a bar to the wife's action in New York for sums expended establishing that her extreme cruelty justfied her husband in leaving her, since it could not be said as a matter of law that such accusations, made in the presence of others, would not justify a New York decree of separation under Code Civ. Proc. No. 1762. Pearson v. Pearson, 129 N. E. 349.

Texas.

As a general rule, statutes of a state prohibiting remarriage within a stated time after divorce and making such marriage void have no extra territorial force, and do not invalidate a marriage within the limited time in another state, whose laws do not prohibit such remarriage.

Decree of divorce is absolute in Texas from its entry, unless set aside or appealed from, so that a provision in decree in Oklahoma, where it is not shown that the Law of that state is to the contrary, that the decree shall not be absolute until six months after entry is of no effect in Texas.

The Court of a foreign state, which granted a divorce and awarded custody of a child to the mother, does not have jurisdiction exclusive of the courts of other states to determine the right to the custody of the child after conditions have changed subsequent to the entry of the decree. Vickers v. Faubion, 224 S. W. 803.

DOMICILE.

Illinois.

To effect a change of domicile, it must be abandoned without any intention to return to it, and a new domicile acquired in another jurisdiction with the intention of making it a permanent home. Miller v. Brinton, 128 N. E. 370.

Iowa.

A domicile or residence acquired in Oklahoma by settlement on a government homestead is presumed to continue until it is shown to have been abandoned. Dolan v. Keppel, 170 N. W. 515.

Massachusetts

Every person must have a domicile somewhere, and one cannot elect to make his home in one place for the general purposes of life and in another for the purposes of taxation.

The mere declaration of complainant seeking abatement of taxes on income that he had not intention to change his domicile from the state of Connecticut to a town in Massachusetts is not conclusive, but his statement is to be taken in connection with all the other facts in deciding whether he was in fact domiciled. Feehan v. Trefery, 129 N. E.

EXECUTORS & ADMINISTRATORS

California

It is fundamental that, as expressly provided in Code Civ. Proc. No. 1913, the authority of an executor or administrator does not extend beyond the jurisdiction of the state or government under which he is vested with his authority.

Under Code Civ. Proc. No. 1494, 1496, and 1500, relative to the presentation of claims against decedents' estates, a foreign executor has no authority to present a claim against an estate being administered in California in favor of the estate of which he is executor.

Payment of claim against a decedent's estate to the claimants foreign executor is not an acquittance protecting the estate from which payment is made against the claims of possible creditors. In re Bruhn's Estate, 193 P. 1115.

Minnesota.

Where decedent had resided and owned property in Minnesota for many years, and there was no evidence that he was foreign born, the district court, affirming order of probate court appointing a nephew as administrator, as against the claim to appointment by the consul for the kingdom of Sweden in Minnesota, correctly held that decedent was a citizen of the United States. In re Person's Estate, 178 N. W. 738.

Montana

Where one died in California leaving property in such state and also in Montana, and the probate court of California distributed all of the property there situated to the widow, a decree in Montana distributing the property as conclusive on all the heirs, and giving the widow one third of the property in Montana and two thirds to the children, held not erroneous. In re Bruhns' Estate 193 P. 1115.

New York

Where proceedings to contest the will were pending in a foreign state, so that the issuance of letters testamentary would be delayed, and it was shown that assets of the estate within the jurisdiction would be lost to the creditors in the state before the contest was determined, the surrogate will appoint a temporary administrator within the state to take charge of the assets therein. In re Hanford's Estate, 185 N. Y. C. 254.

After an ancillary executor of a will probated i a foreign jurisdiction was appointed in compliance with Code Civ. Proc. Nos. 2629, 2630 and while he is still acting as such ancillary executor, a petition for letters testamentary cannot be entertained. In re Connell's Estate, 185 N. Y. C. 253.

Although a testator intended that the legacies should be paid from property in Italy, creditors could prove their debts in either country. If the funds there are unsufficient, the general debts should all be charged against the property in America. In re Hadden, 183 N. Y. S. 695.

Where intestate left a father residing in England, where under the New York law the father alone was entitled to take the entire personal estate, letters of administration granted to intestate's brother and another, without citation to the county treasurer, should be revoked, with leave to file a proper petition, under Code Civ. Proc. No. 2588, as amended in 1914, prescribing the order of appointment, in view of section 3590. In re Anderson's Estate, 184 N. Y. S. 277.

FACTORS.

New York.

A "foreign factor" as understood in marine matters, was a person who had charge of the cargo to handle it, dispose of it, convert it into money, or exchange it for other property, but who had nothing to do with the management of the boat when he sailed thereon, at which time he was called a "supercargo", and hence an insurance agency, which took charge of the entire insurance business of a large transportation company, was not a factor. Gilchrist Transp. Co. v. Worthington & Sill, 184 N. Y. S. 81.

FOREIGN LAW.

Illinois.

"Comity", in a legal sense, is the recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another nation, and is universally extended to all cases, where to do so would not conflict with international duty and convenience, or with the rights of persons under protection of its own laws and such principles will be recognized and given force, where they do

not conflict with the local law, inflict injustice upon the citizens, or violate the public policy of the state.

Act March 29, 1872 (Laws 1871-72, p. 413) No. 36, as amended by Laws 1919, p. 710, giving to a commissioner, appointed by a foreign court, authority to issue subpoenas and take testimony within the state, and giving to the circuit courts of the state authority to hear and determine whether or not a citizen should appear before such commissioner and give evidence, should, under the principles of comity, be sustained, where to do so will not conflict with the rights of citizens of the state or the constitutional limitations placed upon the Legislature. People v. Rushworth, 128 N. E. 555.

Missouri.

Courts are reluctant to overrule the positive law of the forum in recognizing and enforcing foreign law, and a foreign law will not be recognized and enforced when to do so would prejudice the state's own rights, or the rights of its citizens, or when to give force and effect to a foreign law would be to contravene the positive policy of the law of the forum. Jerome P. Parker Harris Co. v. Stephens, 224 S. W. 1036.

INJUNCTION.

A court of equity, having jurisdiction of the parties, held to have power to grant a temporary injunction to restrain the defendant from further prosecuting a suit in admiralty in a foreign court to enforce a maritime lien until rights claimed by complainant, which cannot be asserted in the admiralty suit, may be determined. Hyafill v. Buffalo Marine Const. Co. 266 F. 553.

JUDGMENTS.

In an action on a judgment recovered in another state, the record of which is duly authenticated and produced in evidence, it will be presumed that the court had jurisdiction of the subject-matter and the parties in the absence of proof to the contrary. Mulcahy & Gibson v. Richman, 265 F. 733.

California.

Since a fraud may go to the question of jurisdiction judgment rendered in another state may be resisted for fraud going to the jurisdiction of the court of such other state, either with respect to the subject-matter or the person, or which constitutes a fraud on the law of the forum, or which operates to deprive a party against whom judgment was rendered of opportunity to present a meritorious defense.

If original judgment of the state of Washington sued on in California had been set aside prior to defendants' motion to vacate default judgment against them rendered in California, the default judgment would have been reversed as a matter of right, and restitution awarded defendants. Gordon v. Hillman, 191 P. 62.

Massachusetts.

While there is a presumption in favor of jurisdiction arising from the action of a court of general jurisdiction in rendering judgment it is always a defense to an action on such a judgment rendered in another state to show that defendant was not a resident of the state in which the judgment was rendered, and that no proper service was made on him there. Robinson v. Freeman, 128 N. E. 718.

Minnesota.

Foreign judgments will be given no greater effect here than the foreign country gives to like judgments of our courts.

While a foreign court of general jurisdiction which renders a judgment in personam is generally presumed to have had jurisdiction of the subject-matter and of the parties, unless want of jurisdiction is disclosed by the record, there are several exceptions to such rule.

If defendant was beyond the jurisdiction of the foreign court which rendered a judgment in personam against him and did not voluntarily appear therein, there is no presumption of jurisdiction over him and the party asserting the judgment must prove the existence of the facts necessary to establish such jurisdiction.

If the authority of a foreign court to render a judgment rests on a statute ,and the proceedings are not according to the common law, nothing is presumed in favor of the judgment, and the record must show the existence of all the facts necessary to authorize the court to render it.

Plaintiff, a corporation of Manitoba, suing on a personal judgment obtained therein against defendant as a shareholder in a Manitoba corporation in liquidation, and failing to prove any law of Manitoba making the holding of shares operate as a consent that service on corporation shall give jurisdiction to render personal judgment against shareholder, where no other service was made on defendant in Manitoba, and he did not appear in its court, failed to show its jurisdiction to render the personal judgment. Traders' Trust Co. v. Davidson, 178 N. W. 735.

Nebraska.

A judgment entered in pursuance of a warrant of attorney, in a state where such judgments are authorized, has the same force, when sued on in this state as a judgment on adversary proceedings. Whittier v. Riley, 178 N. W. 762.

New York

Where defendant, a Massachusetts corporation, by a letter of credit agreed with drawers and indorsers and bona fide holders of draft drawn, under it that such drafts would be duly honored, and pursuant thereto a draft was drawn, made payable and delivered to plaintiff, a corporation of this state, making it a bona fide holder of the draft, but both the drawee and defendant refused to make payment on the ground that defendant was restrained therefrom by an injunction issued by a Massachusetts court in a suit wherein plaintiff was not a party, held, that the rule of comity would not prevent a judgment on the pleadings in plaintiff's favor. National Park Bank of New York v. Old Colony Trust Co., 186 N. Y. S. 717

JURISDICTION

Montana

Jurisdiction of the courts in Montana in probate matters pertaining to real estate is confined solely to property situated in that state, and any order decree affecting realty in another state, is a nullity.

The California probate courts may make no binding orders pertaining to real property in Montana, in view of the Rev. Codes, No. 7919.

Where decedent was resident of California at time of his death, the probate courts of that state had authority to make orders within their jurisdictional powers relating to property there. In re Bruhns' Estate, 193 P. 1115.

North Carolina

The superior court of North Carolina has jurisdiction over an action brought by a nonresident against a domestic corporation in the state of its domicile. MacGovern & Co. v. Atlantic Coast Line R. Co. 104 S. E. 543.

Texas

Where plaintiff sued in his individual capacity for loss sustained by injuries to his child and as next friend of his child for such injuries, and the suit in his individual capacity, which was a separate and distinct cause of action, was for a sum less than the jurisdictional amount of the court, the suit in such capacity must be dismissed. Pettus v. Weyel, 225 S. W. 191.

MARRIAGE.

Michigan

In a wife's suit for annulment of marriage because of the prior marriage of defendant husband, evidence by way of admissions, supported by the records of the husband's prior marriage in Ireland, held sufficient to sustain decree for complainant wife. Boyce v. McKenn, 178 N. W. 701.

New York

Notwithstanding Laws 1901, c. 339, No. 19, providing that no marriage contracted "within this state" otherwise than as provided should be valid, a common law marriage, contracted in Pennsylvania by residents of New York, while such statutory prohibtion was in force, is valid in New York. In re Seymour, 185 N. Y. S. 373.

Texas

In an action for divorce alleging a common law marriage agreement in Texas followed by cohabitation there, evidence of a continuance of cohabitation in another state was admissible to show that the relation from its beginning was lawful, and not meretricious, the length of the status being proof of its existence. Bobbitt v. Bobbitt 223 S. W. 478.

PATENTS

To be effective as an anticipation, a patent must be so clear and definite as to enable any mechanic skilled in the art to reach the patented invention certainly, directly and without the necessity of experiment, and this rule is enforced with particular strictness when applied to a foreign patent. Selectasine Patents Co. v. Prest-O-Graph Co., 267 F 840.

An application for a foreign patent, which discloses the inven-

tion in issue in an interference proceeding and contains a claim broad enough to include the issue, is a constructive reduction to practise of the invention in issue, though there was no claim of the specific device of the issue.

Where an inventor filed his application for a United States patent within the time limited by Rev. St. No. 4887 (Comp. St. No. 9431), after his application for a foreign patent was filed, the United States application has the same effect as if it had been filed on the date the foreign application was filed. Kisovitz v. Rosenberg, 269 F. 866.

Under Rev. St. No. 4885, as amended (Comp. St. No. 9430), foreign patents to be available to defeat a United States patent for the same invention, must have become patents or printed publications in foreign countries before the date of the United States patent was filed.

British and French patents do not become "patents" or "printed publications", within the meaning of the patent statutes, until the enrollment of sealing of the complete specifications.

Evidence by the inventor and others, showing drawings, patterns, and an experimental machine involving the invention held to show invention before the date of enrollment of foreign patents, which were enrolled less than two years before the application for United States patent . Barber v. Otis Motor Sales Co., 265 F. 675.

The presuption of validity of a patent from the successive issuance of similar patents in various foriegn countries is strengthened by decrees of the courts of foreign countries sustaining the patents in those countries.

The presumption of validity of a patent from the successive issuance of foreign patents and from decrees sustaining these patents is rebutted by a decree of the United States court of another circuit holding the patent void, which was sustained by the Circuit Court of Appeals. Wire Wheel Corporation of America v. Madison Motor Car Co. 265 F. 689.

SALES.

Where a contract for the purchase of a quantity of barbed wire, known to be intended for export, not only stated the price as free alongside steamer, which would not be controlling as to place of delivery, but in a separate paragraph specified for delivery free alongside steamer, and required the seller to present shipping documents showing delivery is aforesaid, the wire remained the property of the seller until delivery at the designated place, and the railroad and literage companies were the seller's agents, so that the seller could not require payment of the price on presenting railroad bills of lading with freight prepaid or to be deducted. Kokomo Steel & Wire Co. v. Republic of France 268 F. 917.

SERVICE.

Illinois

That defendants were domiciled in Germany and Austria and owing to war between those countries and the United States, it was impossible to carry out the provisions of Chancery Act, No. 12, as to constructive service by reason of noncommunication between the countries, will not affect the validity of a decree based on constructive service, for the presumption of notice is not rebuttable. Chapman v. Northern Trust Co., 129 N. E. 836.

SHIPPING.

On a libel to recover the damages for which charterer was liable, because of the ship's failure to carry the full amount sold, which damages were stated in foreign currency, the charterer can recover an amount in United States, currency which, at the rate of exchange on the day of entry of decree, would be sufficient to pay the damages in the foreign currency. The Saigon Naru, 267 F. 881.

STATUTE.

California

Though other states may give effect to statutes outside the borders of the state enacting them, a state statute cannot have any effect as a law beyond the borders of the state which enacts it. Quong Ham Wah Co. v. Industrial Acc. Commission of California, 192 P. 1021.

TAXATION

A state tax on a foreign corporation, manufacturing its product within the state, but selling the greater part of it in other states, which was based on the proportion of the tangible property of the corporation within and without the state, so as to require the corporation to pay a tax on 47 per cent of its income, is not inherently arbitrary since the income from sales outside the state was partly earned by manufacturing within the state, and was not shown to be unreasonable, where the corporation introduced no evidence as to the relative portions of its income derived from operations within and without the state. Underwood Typewriter Co. v. Chamberlain 41 S. Ct. 45.

Complainant, domiciled in Massachusetts, where he owned two residences, occupied by himself and family alternately in summer and winter; who also owned an undivided interest, with his brothers, in the former home of his deceased father in Newport, R. I., where he and family occasionally spent few weeks in summer, by announcing his intention to change his domicile to Rhode Island, removing his securities there, going there on a tax day in Massachusetts each year, and voting and paying his personal taxes there, but without any actual change of residence. his houses in Massachusetts being kept open and occupied as before, and his family being in Newport but three weeks in two ensuing two years held not to have effected a bona fide change of domicile, which exempted him from income tax in Massachusetts. Agassiz v. Trefry, 226 F. 8

Nonresidents of a state, temporarily engaged in business therein, like personal property owned by nonresidents, but temporarily used within the state for profit, acquire a situs for taxation within the state.

Men employed by a salmon packing company, who were employed within the territory of Alaska for several months, though they are hired and finally paid off and discharged in California, are subject of the school tax imposed by Act Alaska May 1, 1919, (Laws 1919, c, 29), on all male persons within the territory. Alaska Packers' Ass'n v. Hedenskoy, 267 F. 154.

California

Generally, intangible personal property, for the purposes ot taxation, has its situs at the domicile of the owner but such rule does not apply where the property has acquired a business situs elsewhere.

Notes held by a bank in a state other that that of the domicile of the owner for purposes of collection do not acquire a business situs in the state in which bank is situated, so as to subject them to taxation therein, as against state owners' domicile. Hinckley v. San Diego County, 194 P. 77.

Illinois

In a proceeding to fix an inheritance tax, a transfer tax assessed by another state on the right of the next of kin or heir of a deceased to succeed to his property should not be deducted. People v. Ballans, 128 N. E. 542.

Kentucky

Intangible personal property, for purposes of taxation, has a legal situs in the state of owners' domicile, even though such property may be evidenced by certificates and documents kept in a distant place. Commonwealth v. Bingham's Adm'r., 223, S. W. 999

Massachusetts

Under St. 1919, c. 490, pt. Nos. 54-56, no excise tax becomes due from and payable by a foreign corporation until the certificate of its condition can be filed until it has been approved by the tax commissioner, and no certificate of condition can be filed until it has been approved by the tax commissioner as in conformity to law, and the excise tax by him assessed actually paid to the treasurer and receiver general, and the validity of the excise tax must be determined by the law as it stands on the date of assessment.

A mining and smelting corporation operating in Arizona which maintained an office in Massachusetts, there keeping the treasurer's books of account, and its general books, and paying corporate debts and dividends from a local bank account to creditors and stockholders, was engaged in local business in Massachusetts so as to be subject to the excise tax levied by St. 1909, c. 490 pt. 3, No. 56. Old Dominion Co. v. Commonwealth, 129 N. E. 613.

Minnesota

Money and credits while for some purposes following the person of the owner may acquire a fixed situs elsewhere. State v. Pittsburgh Plate Glass Co., 180 N. W. 108.

New York

The leagal situs of foreign debts, securities, and other personality is the last domicile of the owner. In re Lydig's Estate, 184 N. Y. S. 542.

After a foreign corporation paid the tax for the privilege of doing business in the state based on its net income, and known as the corporation income tax, imposed by Tax Law, art. 9-s, enacted in 1917, effective when certain exemptions were granted to certain corporations effected thereby, from personal property tax and from the tax levied under Tax Law, No. 12, 27, 182 and 192, and after Tax Law, No. 219-j as amended in 1918, the New York City board of taxes and assessments could not levy a tax against its personal property for the year 1920, in view of Laws 1920, c. 113, directing the punctuation in section 219-j. People ex rel. United Shoe Machinery Corporation v. Cantor, 184 N. Y. S. 214.

The fact that ancillary administration proceedings were begun

within the state does not affect the liability of the estate of a nonresident decedent for transfer tax on property owned within the state. In re Hallenbeck's Estate, 186 N. Y. S. 293.

Oklahoma

Money of a corporation, a part of its moneyed capital, surplus, and profits actually invested in the business of the corporation, is not exempt from assessment because it is in a bank in another state, in view of Rev. Laws 1910, No. 7306. In re Assessment of Chickasha Cotton Oil Co., 194 P. 215.

Vermont

Where foreign corporation with manufacturing plant and branch office in the state attended to all business matters, originating at such branch office, at its home office outside the state where it also kept the accounts, originating from business in the state and fixed prices, made sales, and paid accounts at such home office, the accounts payable to the corporation originating from business in the state were not taxable. National Metal Edge Box Co. v. Town of Readsboro, 111 A. 386.

Virginia

Intangible personal property, such as stocks, bonds, and other evidence of indebtedness, are subject to an inheritance tax in the state in which the owner was domiciled at the time of his death, without reference to actual location of the evidences of such indebtedness, because the domicile of the owner fixes for taxation the situs of personalty of this character

Stock in a Missouri national bank owned by a Virginia decedent is subject to Virginia inheritance taxes as are funds derived from sale thereof, notwithstanding the state of Missouri imposed and collected inheritance taxes; the double taxation not being invalid. Cornett's Ex'rs. v. Commonwealth, 105 S. E. 230.

TREATIES

New York

Convention between United States and Austria, concluded May 8, 1848, proclaimed October 25, 1850 (9 Stat. 944, art. 2), extending stipulations of treaty of commerce and navigation, concluded August 27, 1829, proclaimed February 10, 1831 (8 Stat. 398,) in substance giving Austrian subjects the privilege to inherit real property, conditionally on sale within two years, held not abrogated by war between the United States and Austria-Hungary.

A treaty with a foreign country, when in force, is the supreme law of the land, by Const. U. S. art. 6, and supersedes all inconsistent laws. Techt v. Hughes, 128 N. E. 185.

Texas

The prohibition of the Hague treaty against the confiscation of private property or land does not apply to civil warfare, to render nugatory a confiscatory decree of a Mexican revolutionary general. Terrazas v. Holmes, 225 S. W. 848.

Washington

A treaty between United States and foreign country is the supreme law of the land, and provisions in the Constitution of a state which are in conflict therewith must give way to the treaty.

The treaty of November 25, 1850, between the United States and Switzerland (11 Stat. 590) article 5 of which, after providing for ownership of personal property by aliens, makes the same provisions applicable to real estate within the states or cantons in which foreigners are entitled to hold real estate, was manifestly intended not to apply where the holding of land by aliens was prohibited, and therefore that treaty does not conflict with Const. art. 2, No. 33, prohibiting land ownership by aliens who have not declared their intention subject to certain exceptions. State v. Staeheli, 192 P. 991.

TARIFF LAWS AND REGULATIONS.

ALGERIA.

Changes in Duties.

See "France", below.

AUSTRALIA.

Customs Duty Changes.

Under recent by-laws issued by the Department of Trade and Customs, the following are added to the list of articles and material which may be imported at reduced rates of duty if used in the manufacture of specified goods within the Commonwealth:-

Minor Articles: Glass Polishing—Oxide of Iron. (Provided security be given by the owner that the material will be used for that purpose only, and that evidence of such use be given to the satisfaction of the Collector within six months after delivery by the Customs, or such further time as the Collector may allow. Cigar and Cigarette Cases—Frames. Sieves used on Asbestos Cement Machines—Woven wire not less than 54 inches.

Machine Tools and Parts: Copper, Electrolytic—Copper plates, known as Stripping or Starting plates of No. 16 or thicker gauge, and of which length and width both exceed 30 inches. Stone and Marble Cutting—Sonte channelers (but not the motive power, engine combination, or power connections, if any, when not integral parts of the exempt machine). Fruit Canning—Syrupers, exhausters, cookers, coolers, slicers, peelers, fillers, scalders and washers, blanching, pineapple corers and sizers, pineapple graters, pineapple eradicators, canning tables.

Miscellaneous—Brass wire scratch brushes (but not the motive power, engine combination or power connections, if any, when not integral parts of the exempt machine).

The above specified "minor articles" and "machine tool and parts" are now admitted (for the purposes specified) free of duty if from the United Kingdom, and at the rate of 10 per cent ad valorem if from any other country.

By a recent order of the Minister for Trade and Customs wheels made expressly for and usable only with motor cars shall be classified for tariff purposes under the item applicable to motor car chassis, the order to come into operation as from the 3rd of November, 1920.

The following stocks and dies, when not made wholly of wood, and not being machines, are now dutiable as "manufactures of metal, n. e. i." at the rate of 32 per cent on British and 45 per cent on all others: Dies—Button, lightning, elastic stock; English pattern; solid (round and square); die nuts. Stocks—Electric stock pattern; lightning pattern and similar types.

New Prohibitions.

A proclamation was issued on December 30, 1920, prohibiting the importation of all goods bearing the word "Bosch".

The Government has prohibited the importation of calcium carbide after December 2, 1920, except under written permit from the Minister of Trade and Customs.

Regulations for Dyes.

The Department of Trade and Customs of Australia has made a ruling by which any shipment to Australia of dyes of foreign origin must be accompanied by the British Customs Specification No. 30, and that prior to shipment a certificate must be obtained from the British Dye Commissioner giving permission for the export of consignment of dyes to Australia.

Postponement of Certain Duties.

In the tariff, which came into operation March 25, 1921, provision was made for certain duties to come into operation at later dates.

Advice has now been received from the Department of Trade and Customs that the operation of the deferred duties has been postponed in the case of the following commodities:

Item 136, (D, 2 and F.), plain plate and sheet, and hoop iron and steel deferred to January 1, 1922; item 278 (A), carbonate and bicarbonate of soda, and item 388, metal cordage, postponed to January 1, 1922; and item 397 (D), sporting powder, wads for cartridges, percussion caps, cartridges for military purposes, detonators, empty cartridge cases caped or uncapped, fuse cotton and electrical mining fuse, postponed to January 1, 1922.

Item 278 (A) soda, ash, and item 278 (B), caustic soda, postponed to October 1, 1921. Through September 30, 1921, the duty on bulk soda ash and caustic soda from the United States will be 15 per cent ad valorem. On and after October 1, 1921, the duties will be: Soda ash, 80 shillings per ton, or 45 per cent ad valorem (whichever returns the higher duty) caustic soda, 100 shillings per ton, or 45 per cent ad valorem (whichever returns the higher duty). Item 152 A, pipes and tubes, postponed to January 1, 1922.

AUSTRIA.

Surtax on Duties.

Customs duties paid in paper currency were increased to 80 times the pre-war or gold rate from April 15, 1921.

BARBADOES.

Removal of Prohibition on Dyes.

The Official Gazetter of the Barbados Islands for October 7, 1920, contains an order in council of September 30, 1920,, which suspends the prohibition on the importation of foreign dyes and dyestuffs. This prohibition was imposed November 20, 1921.

BRAZIL.

Government Aid to Importation of Live Stock.

The Department of Agriculture, Industry and Commerce has announced that the Government will aid importers of live stock in importing blooded animals by refunding the charges for freight from the country of origin to Brazil, by the free entry of the animals and by their free transportation into the interior.

BULGARIA.

Modified Regulations for Commerce.

On May 22, 1920, the Bulgarian Food Administration issued its order No. 460, which has as its aim the control of commerce in and with Bulgaria. Those regulations were modified by order No. 626, dated July 8, 1920. By order No. 626 it is declared that "the certification to the invoices, which are issued by representatives or consigness of foreign firms, will be computed at the rate of the National Bank of Bulgaria on the day when sale took place."

The representative of a foreign firm, acting in Bulgaria is, by this order, distinguished from a native importer and from a native merchant who holds goods on consignement for a foreign firm, and such representative is not considered a "first dealer", thus allowing him to sell to a native merchant, who shall then be considered the "first dealer" and enjoy the privileges of such.

Paragraph III of this order (art. 25) reads:

"It may be that the exporter is not from the country in which the goods are produced but the country where the goods are customarily stored, etc. In either case, it will not be necessary to present a certified copy of the original factory invoice, but a duly certified invoice must be presented."

In article 26 of order No. 460 the words "If the customhouse is not in a town" should read "If the customhouse is in a town."

Relaxation of Prohibitions.

In a meeting held October 21, 1920, the Council of Ministers passed a decree abolishing all prohibitions on the importation of goods except those contained in the law of November 4, 1918. This law covered articles not of prime necessity. Automobiles, automobile tires, carriages, wagons, etc., metal manufactures, not gilt or silvered, leather boots and shoes and clothing and fabrics not considered luxurious, untrimmed hats, most foodstuffs and raw materials are among the products which may now be imported without a license.

CANADA.

Regulations for Importation of Wool and Hair.

The quarantine regulations governing the importation of wool and hair, dated September 27, 1920, do not apply to American domestic wool. Domestic wool originating in the United States may be imported into Canada without disinfection, subject to the provisions of the customs tariff and payment of the sales tax.

Duty on Ships' Equipment.

Appraisers' Bulletin No. 2223, October 21, 1920, gives articles of equipment for ships and vessels made in Canada, and such articles are therefore not entitled to free entry of dutyrunder tariff item 470.

It is not to be considered as a complete list of ships' equipment which is made in Canada, but only represents such articles as have been officially before the department of Customs.

Drawback on Materials for the Manufacture of Oleomargarine.

The following regulations have been established by an order in council dated November 1, 1920, under the provisions of section 286 of the customs act:

When imported materials, not including machinery, are used on and after September 1, 1920, and prior to September 1, 1921, in the manufacture of oleomargarine as described in the diary industry act, 1914, and amendments thereto, there may be paid a drawback of 99 per cent of the customs duties paid on the materials so used.

Provided, however, the said drawback shall not be paid unless the duty has been paid on the materials so used as aforesaid within 12 months of the manufacture of oleomargarine subject to the following conditions, viz:

(a) The quantity of material used and amount of customs duties paid thereon shall be ascertained.

(b) Satisfactory evidence shall be furnished in respect to the manufacture in Canada of the oleomargarine.

The claims for drawback shall be verified under oath before a collector of customs to the satisfaction of the Minister of Customs and Inland Revenue, in such form as he shall prescribe, within one year after the manufacture of the oleomargarine. The minister may also require in any case the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the bona fides of the claim. Claims for drawback under the above regulations should be made on Form K 15½.

Remission of Excise Taxes on Goods.

According to Customs Memorandum No. 2440-B, of December 20, 1920, by an order in council in effect from December 20, the excise taxes imposed under the provisions of section 19BB of the act to amend the special war revenue act, 1915, are remitted, with the exception of those on the following goods: Confectionery, playing cards, spirituous alcohol, lime and fruit juices, fortified spirits and strong waters, and perfumery and toilet preparations. None of the taxes so remitted shall be collected. The sales tax remains in full force and effect.

CEYLON.

Removal of Prohibition on Tea.

Under date of September 30, 1920, the Government revoked the Proclamation of August 8, 1917, prohibiting the importation into Ceylon of tea, whether for local consumption or for transshipment, except under license from the principal collector of customs.

COLOMBIA.

Changes in Duties on Paper and Cotton Yarns.

By a decree of November 20, 1920, printing paper, white or colored, in sheets, not less than 60 by 90 centimeters in size, may be imported into Colombia free of duty if the original price does not exceed 45 pesos in gold for every 100 kilos (item 1291). When the original price exceeds 45 pesos (item 1292), an import duty of $0.03 per kilo must be paid. There is in addition a surtax of 7 per cent of the duty.

The same decree increases the duties on cotton yearns as follows:

(Item 1424) Bleached yarn for looms and other weaving machines, increased from $0.08 to $0.12 per kilo; (item 1425) unbleached yarn for looms and other weaving machines, increased from $0.05 to $0.09 per kilo; (item 1426) colored yarns for looms and other weaving machines, increased from $0.10 to $0.15 per kilo.

COSTA RICA.

New Duty on Matches and Cigarette Paper.

According to a decree of June 8, 1920, matches and cigarette paper imported into Costa Rica are now subject to a duty of 50 centimes ($0.23) per kilo of 2.2 pounds. This decree repeals article 7 of decree No. 3, December 14, 1918, which established a Government monopoly on the manufacture and importation of matches and cigarette paper for national consumption.

CUBA.

Extension of Embargo on Rice.

In accordance with a decree signed by the Chief Executive on March 22, 1921, the prohibition on the importation of rice into Cuba, originally decreed on September 7, 1920, is to remain in force until 80 per cent of the merchantable rice in Cuba at the time of the promulgation of the decree shall have been disposed of. In order to enable the authorities to ascertain the amount of rice in stock and the progress of its disposal, the decree provides for reports on existing stocks of merchantable rice within eight days after the promulgation of the decree and subsequent biweekly reports on sales. The requirement in regard to reports is restricted to holders of merchantable rice in amounts exceeding 500 tons at port of entry.

CZECHOSLOVAKIA.

Method of Payment of Customs Duties.

From December 1, 1920, all customs duties will be payable in Czech crowns at the following increased rates:

1. Duties leviable, according to the customs tariff "in francs" which have hitherto been paid in Czech crowns plus a surtax of 500 per cent, are now payable in Czech crowns plus a surtax of 900 per cent.

2. Duties leviable, according to the customs tariff, "in crowns with surtax", hitherto paid in crowns plus a surtax of 300 per cent, are now payable in crowns with a surtax of 600 per cent.

3. Duties leviable, according to the customs tariff, "in crowns without surtax" which have hitherto been paid in crowns plus a surtax of 100 per cent, are now payable in crowns with a surtax of 200 per cent.

Removal of Restrictions and Duty on Cotton.

The prohibition against the importation of cotton waste has been removed. License applications will be granted automatically. These commodities will be admitted free of duty. A manipulation fee of one-half per cent is the only payment required.

DENMARK.

Restricted Imports.

The following goods may be imported only under a license:

Sugar and all products containing sugar; live geese, spirits (imported only by special license from the customs authorities, Generaltolddirectoratet, Copenhagen); wheat and rye and products of the same; and arms.

Removal of Restrictions on Fireworks and Certain Chemicals.

The prohibition against the importation of fireworks and the following raw materials has been removed by a decree of December 28, 1920: Nitric, sulphuric, oxalic, and carbolic acids nitrates (nitrous salts), chlorates (chlorous salts), perchlorates oxalates (oxalic salts), glycerine, naphtalene, aniline, benzoline, toluol, cymol, sulphur, mercury, phosphorus, iodine, metallic potassium and sodium, aluminum powder, calcium phosphide, sulphuric antimony, oxide of lead, and manganese.

DOMINICAN REPUBLIC.

Restriction on Textiles.

A decree has been issued by the Government by which no individual, firm or corporation may import textiles into the Republic unless this individual, firm or corporation imported textiles into the country during the past year.

ECUADOR.

Drug Regulations.

By a law of November 7, 1920, published December 1, 1920, regulating apothecarics' shops and drug stores in Ecuador, the following provision were made with regard to drugs, medicines, etc:

Art. 23. The importation of drugs, chemical products, serums and vaccines will be permitted only in the case of apothecaries' shops, drug stores, hospitals, asylums, clinics, and boards of health. Industrial establishments may, however, import the materials necessary for the business in which they are engaged.

FINLAND.

Changes in Duties.

The Government has been authorized to increase by not more than 200 per cent during 1921 the duties fixed by the tariff of 1919 for certain articles of luxury on which an export embargo has been temporarily placed. The duty on most woolen textiles will be increased 100 per cent. On most other articles the increase will be 200 per cent over the 1919 rates, as was the case during 1920. Tea, lard, bacon, most cereals, agricultural machinery, and tools various classes of cotton textiles, and certain kinds of footwear will not be affected by this increase in duty.

Removal of Restrictions.

Beginning April 1, 1921, all import restrictions are abolished.

FRANCE.

Restoration of Increased Duties on Railway Materials.

A decree of December 18, 1920, published in "Le Journal Officiel" for December 27, reestablishes, with the corresponding coefficient, the import duty on rails, fishplates, bridges, and parts thereof which was suspended by decree of November 30, 1914, and March 3, 1915, in cases where such materials were required for repairs on railways, etc, necessary for national defense.

Removal of Coefficients for Certain Paper.

A decree of January 11, 1921, published January 18 in "Le Journal Officiel", removed the coefficient of increases of the import duty (item ex461) on paper (other than so-called fancy paper), machine made, weighing above 30 grams per square meter, and fancy white coated paper.

Increased Coefficients for Duty.

A decree of February 2, 1921, published in "Le Journal Officiel" for February 4, establishes coefficients for increasing the duty on the following commodities: (Item 033) Calcium carbide, coefficient, 4 (item 349) common glass, coefficient, 5 (item 349 bis) extra white or colored glass, coefficient, 4 (item 349 quat) wired glass, coefficient, 5 (item ex 351) common window glass, panes not exceeding 50 square centimeters in area, coefficient, 5 same, over 50 centimeters in area, coefficient 3.5 (item 461) paper (coefficient, 3, (item 462) cardboard in sheets or rough plates, coefficient 3, (item 594) molding of wood, coefficient, 3, (item 594bis) wooden frames, coefficient, 3.

"Le Journal Officiel" for January 13 and 14, 1921, contains two decrees of January 11. Among the most important changes in coefficients made by these decrees are the following:

Chemicals: (Item 0151) oxides of lead, minium and litharge 2.4, other oxides of lead, 1.5, (item 0175) zinc oxide, 2.4, (item 0178) lithopone, 2, (item ex0196) distilled glycerin, 2.5, items 0253 to 0339 of the chemical schedule, 3. The coefficient for vinegar, other than perfumed, is 9; on tulles and trimmed straw hats it is 6, while on cotton thread, cotton knit goods, certain furniture, shaped and trimmed felt hats, it is 5. On varnish and varnish paints, ochers and earths, bobinet tulles, bent-wood furniture, certain untrimmed straw hats, certain felt fabrics, and untrimmed felt hats, penholders and parts (including fountain pens), metal crayon and pencil holders and certain small wares (taletterie) the coefficient was raised to 4.

There are a number of less radical increases on other articles.

License Requirements for Petroleum.

A decree of May 8, 1921, fixes the conditions under which import licenses for petroleum may be obtained. The importers must agree to purchase from Government stocks quantities equal to their imports and from reserve stocks at the Government's disposal quantities equal to one-fourth of their total imports during the 12 preceding months.

Changes in Duties on Ball Bearings.

"Le Journal Officiel" for April 3, 1921, contained a decree, April 1, which provided for a change in the French duty on balls for ball bearings and ball races, dutiable under item 633 sept of the customs tariff. The new rates are 70 per cent ad valorem under the general tariff and 35 per cent under the minimum. Goods proved to have been shipped direct to France prior to the publication of the decree may be admitted at the rate of duty formerly in force.

Changes in Duties.

A decree of March 29, 1921, published in "Le Journal Officiel" for April 3, contains lists of increases in the general import tariff items. The maximum difference between the minimum and general rates on articles affected is increased to 300 per cent

GAMBIA.

Changes in Duties.

By a resolution of the Legislative Council of the colony, dated November 5, 1920, all articles of food and drink not specified, cooking and edible oils in bulk and in packages of not less than one gallon, rice, salt (except table salt), and sugar are placed on the list of articles admitted free of import duty. The duty on cotton goods has been increased from 7½ per cent to 10 per cent ad valorem.

GREAT BRITAIN.

Control of Hops.

Hops are prohibited from importation into the United Kingdom under the ministry of food (continuance) act, 1920 subject to the granting of special import licenses "for such quantities as Minister decides are necessary."

All hops imported must, upon arrival in the United Kingdom, come under the jurisdiction of the hop controller, who has instructed all collectors of customs to retain, under embargo, all hops arriving from abroad. Release can only be obtained under special license. Arrivals of hops under the controllers license must be immediately reported in writing by importers to the hop controller, who will thereupon instruct the importer to which licensed warehouse they are to be forwarded, and a permit will be granted the importer to forward them. The owner or occupier of the licensed warehouse must immediately notify the controller of each arrival, giving full particulars as to the country of origin, quantity, year of growth, number of import license, and must hold such hops until authorized to remove them.

The registration fee for imported hops is 5 s per pocket, or bale of 2 hundredweight or under, and 10 s for those exceeding 2 hundred-weight, and must be paid on application for license to clear.

Further licenses to import will not be issued at present, and "in the event of foreign hops arriving in this country which have not received the controller's special import license, the controller holds wide power to deal with them at his discretion".

Rulings of Food Ministry.

The Food Ministry has removed all restrictions on the importation and sale of apples and canned salmon from March 31, 1921.

A general license has been issued by the Food Ministry permitting shipments of bacon to the United Kingdom on private account from March 17, 1921, in the case of ports outside of Europe, and from March 31 in case of European ports.

To enable importer to make arrangements for supplies a general license has been issued authorizing from February 15 forward dealings in bacon on private account for shipment on and after the above date.

The Food Minister issued an order December 30, 1920, which provides that no person shall sell or offer or expose for sale, whether by wholesale or retail, as fresh or new laid eggs or under any description of which the words "fresh" or "new laid" form part, any eggs which have been imported into the United Kingdom, unless the word "imported" or the name of the country of origin also forms part of the description.

The Ministry of Food has issued a notice on March 10, 1921, effective at once, that licenses for the importation of fresh

or frozen hogs of any weight, for any purpose, and from any country will be granted freely.

Removal of Restrictions on Tobacco at Liverpool.

The Mercey Docks and Harbor Board has discontinued the restriction on the importation of tobacco in bales.

Prohibition on Arms and Munitions.

A proclamation issued March 24, 1921, prohibits the importation of the following articles: Firearms and other deadly weapons, including munitions and parts, grenades, bombs, etc., whether capable of being used with firearms or not, and the components of such ammunitions. Open general licenses have been granted for the importation into Great Britain of smooth-bore shotguns, air rifles, air guns and ammunitions for such weapons.

GREECE.

A royal decree has recently been issued whereby all building materials used in the reconstruction of Saloniki will be admitted free of duty under certain conditions and restrictions issued by the ministers of communications and finance.

Regulations for Alcohol.

The importation of the sugar sediments (molasses) and sugar containing fruits is permitted free of duty until June 30, 1921, in quantity corresponding to the production of 5,000,000 kilos of pure alcohol.

Extension of Customs Tariff to Macedonia.

The Government by royal decree, issued April 28, 1921, extended as of May 14, 1921, customs regulations etc. to Eastern and Western Macedonia, the islands of Tenedos and Imbros, and to Thrace. The merchants whom this decree will affect have been allowed two months in which to declare their merchandise.

These tariffs and regulations will apply to matches, lighting material, powder, legal stamps, paying cards, public entertainments, lottery duties liquor saccharine, quinine, etc.

Agricultural Implements Exempt from Duties.

A recent decree extends the exemption of agricultural implements from all imports and other taxes until December 31, 1921. These duties and charges were first suspended in October, 1915.

GUATEMALA.

Restrictions on Live Stock.

According to a decree of October 2,
will refund all expenses incurred, from the landing in Guatemala to the point of destination, in the importation of cattle, swine, sheep and horses for breeding purposes.

The importer must present to the proper office the certificates of registry and health cetificates of the animals, duly signed in a consulate of Guatemala, and the vouchers for the expenses incurred.

Duties on Certain Food Products.

According to a decree dated November 26,1920, flours imported after January 1, 1921, are to be dutiable according to the rates fixed by the tariff: (Item 1672). Wheat flour of all kinds, 0.045 peso, or $0.023 per kilo; (Item 1673), flour made from oats, barley, corn, rice, beans, or rye, 0.10 peso or $0.051 per kilo.

From January 1, 1921, the following articles are to be subject to an import duty of 0.04 peso or $0.02 per kilo: Rice, kidney beans, chick-peas, peas, corn, onions, fresh vegetables, potatoes and similar edible tubers, oats crushed in the husk, and fodder not specified. The above articles are not subject to duty if imported for seed.

Increased Fee for Legalization of Consular Invoices.

An executive decree, dated February 28, 1921, provides that after April 1, 1921, Guatemalan consular offices shall collect for the legalization of consular invoices, a fee of 3 per cent. of the declared value of the goods, not including freight, insurance or other charges. This fee shall be paid in the money of the country where the invoice is legalized.

HONDURAS (BRITISH).

Free Admission of Certain Agricultural Implements.

The governor in council has ordered that plows, harrows, hoes, rakes and forks be admitted free of import duty.

HONDURAS (REPUBLIC).

New Customs Regulations.

The Government has prohibited the importation of silver coinage except that of the United States from March 15, 1921.

A law effecive March 16, 1921, requires the payment of one-half of the customs duties in American currency at the rate of $1 for 2 silver pesos. The Government will withdraw from circulation all current silver coins except those of the United States.

Exemption of Duty on Agricultural Implements.

It is announced by the customs department that the following agricultural implements, when so constructed as to be worked by power other than manual or animal, have been exempted from payment of customs duty: Winowers, thrashers, mowing and reaping machines, elevators, seed crushers, chaff cutters, root cutters, plows, cultivators, scarifiers, harrows, clod cushers, seed drills, hay tenders, and rakes.

General Increase of Duties.

The new budget provides for a general increase of import duties, effective March 1, 1921. The general increase on most products is from 7½ per cent. ad volorem to 11 per cent. ad valorem. Cotton machinery which has been free of duty has been assessed 2½ per cent. ad valorem, while on luxuries such as motor cars and motor cycles, the duty has been increased from 7½ per cent. to 20 per cent. ad valorem. Sugar, formerly dutiable at 15 per cent. ad valorem, is now dutiable at 15 per cent. ad valorem, and tobacco has been changed from specific duties to 50 per cent. ad valorem, which has been the duty on cigars and cigarettes only.

ITALY.

Inspection of Seeds.

The Ministry of Agriculture in a communication of October 26, 1920, states that the importation of seeds of whatever variety or origin, which are to be used for seeding purposes, is freely permitted without previous authorization or certificates as to the country of origin. Each lot must however, be inspected by the Government specialist on plant diseases at the customhouse. The customs authorities in the following cities are authorized to make such an inspection: Ventimiglia, Turin, Milan, Verona, Udine, Genoa, Leghorn, Rome, Naples, Taranto, Catania, Pelermo and Cagliari.

Permit for Certain Balsams.

The Ministry of Finance has authorized the customs officials to permit the importation of Peruvian, artificial and neo-salvarsan balsam without special license.

Removal of Prohibitions.

Customs authorities have been instructed to admit portable houses and galvanized iron and steel sheets without an import license.

The restrictions on the importation and sale of mineral oils including gasoline, kerosene and fuel oils, were removed on January 1, 1921, effective February 9, 1921.

Assesment on Ad Valorem Duties.

By a royal decree, dated September 1, 1920, compound duties are imposed on all automobiles, or in general on all self-propelled vehicles, provided they weigh 2,500 kilos or less. Vehicles subject to this compound duty pay, in addition to the specific rates, according to weight, 35 per cent. ad valorem.

In this issue: U. S. TARIFF LEGISLATION!

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The contents herein are based on the "Commerce Reports" of U. S. Department of Commerce, publications of foreign governments and original contributions by our collaborators.

THE QUESTION OF ALIEN PROPERTY.

What shall be done with the private property of those who during the late war were our enemies is the question of the hour now under discussion in commercial, congressional and governmental circles. While the proceeds of private properties confiscated through the Courts during the rebellion amounted according to the letter of Mr. Shaw, Secretary of Treasury to Nott Ch. J. of the Courts of Claims dated February 18, 1902—to less than two hundred thousand dollars, the funds in the hands of the present U. S. Alien Property Custodian amount to nearly four hundred million dollars. The interests involved, however, are also entirely unlike those of the Civil War times. Then practically all of the property seized consisted of raw cotton, while the property seized and sold by the successive alien property custodians, during the late war consisted of stocks and shares, valuable patent and trade marks, buildings and steamships as well as goods belonging to residents in enemy countries. Assuming that all the transactions for the sale of private properties seized by the United States during the late war would be upheld in the U. S. courts, the injury caused to the owners remains irreparable even though the U. S. government may refund to them the proceeds of these sales.

In the case of the raw cotton the owners of such, receiving the proceeds of the sales of their products sold by the special Treasury agents appointed by the Secretary of Treasury under the act of Congress of March 12, 1863 lost either their profits alone or their profits plus some of their expenses incurred while cultivating their plantations during the previous plantation season. In the present war valuable trade marks which had been brought into prominence by their owners through decades of effort and the expenditure of large sums of money, patents which could not be duplicated by their assignors, secret processes of the utmost importance to various great industries, all were confiscated and disposed of to new owners by the government of the United States. Would it now be proper and in accordance with the established principles of American policies to hand over the proceeds of these sales to the former enemy owners telling them to consider it as a fair settlement of mutual obligations?

In the Civil War as Chase Ch. J. explained it in U. S. vs. Klein 13 Wall 128, 137:

"No titles were divested in the insurgent states unless in pursuance of a judgment rendered after due legal proceedings. *The government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war.*"

In other words, the U. S. government at that period adopted the principle that unless private property of an alien enemy was one of the actual necessities of the war it should not be considered a war booty. For example, the court in Lamar v. Browne 92 U. S. 187 said, with reference to the cotton seized by U. S. from the private citizen of the Confederacy:

"It is not too much to say that the life of the Confederacy depended as much upon its cotton as it did upon its men. It (cotton) was the foundation upon which the hopes of the rebellion were built."

Such were the avowed principles with which the government of the United States started the second half of the nineteenth century. The settlement of Civil War claims arising from the confiscation of private property is best described in the above letter of Mr. Shaw which we will quote here in part:

"The rebellion had not been suppressed in all parts of the south when, on the 29th of May, 1865, the President of the United States issued a proclamation granting "to all persons who have, directly or indirectly, participated in the existing rebellion *restoration of all rights of property, except to slaves.*" There were excepted cases in the proclamation, but the parties were afterward pardoned, either by the President or by acts of Congress.

"It is true in some cases private property was taken and used by the Union armies, without compensation at the time, but Congress, by the act of March 3, 1871, provided a commission to adjudicate those claims.

"You are aware that the act of March 3, 1863, which provided for the appointment of special agents to collect captured and abandoned property, provided also that "any person claiming to have been the owner of any such property may at any time within two years after the suppression of the rebellion, prefer his claim to proceeds thereof in the Court of Claims."

"The rights to file claims in Court of Claims having ceased August 20, 1868, Congress provided another remedy— and passed the act of May 18, 1872, which provided that the secretary of the Treasury should return the proceeds derived from the sale of cotton illegally seized after June 30, 1875." (Moore's Digest of International Law, vol. VII, pp. 298-300.)

By article VII of the Peace treaty with Spain concluded at Paris on December 10, 1898 it was provided that:

"The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either government, or of its citizens or subjects, against the other government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

"The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article."

To sum up, the previous conduct of the United States towards the private property of its enemies may be expressed in the following principles:

(1 Only property comprising an actual necessity of the war is subject to confiscation.

(2) Proceeds of such seized property are returned to the owners thereof.

(3) The claims of private citizens between themselves remained to be settled privately amongst themselves.

(4) The United States renounced all claims of its citizens against the enemy government.

(5) . The United States accepted upon itself the liability and adjudicated all the claims of its nationals against the enemy government.

On July 11, 1799 John Quincy Adams affixed his signature to an American treaty with Prussia, XXIIId article of which stated:

"If war should arise between the two contracting parties, the merchants of other country then residing in the other shall

be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance."

Since then one hundred and twenty-two years have passed, making it possible for mankind to transact its business affairs without residing in one another's country. We have telephones, telegraphs, wireless, corporations, international conventions for protection of copyright, inventions and trade-marks. While the forms have changed the principles remained and were closely followed in Civil and Spanish wars.

Why should there be any hesitation as to the right disposition of the alien property held by the United States? If any new steps are necessary or desirable they should be taken towards enlarging the principle and not towards narrowing the same. How such proposal as that of paying the damages arising out of the sinking of the Lusitania by the proceeds of the sales of the alien property could have ever originated on this side of the Atlantic is inconceivable. Such a step would be nothing else than an attempt to deprive the business interests who have dealt with the aliens, allowed them credits or otherwise counted on their financial and business standing—of all security for the debts to them, no matter where such debts were incurred. The effect might be equal to the confiscation of the debts. Mr. Hamilton, arguing on the 10th article of the British treaty of 1794, said in reply to those

"who represent the confiscation or sequestration of debts as our best means of retaliation of coercion, as our most powerful and sometimes as our only means of defense.

So degrading an idea will be rejected with disdain by every man who feels a true and well informed national guide; by every man who recollects and glories, that in a state of still greater immaturity we achieved independence without the aid of this dishonorable expedient. The Federal Governmnet never resorted to it." (Hamilton's Works vol. VII. p. 329, Camillus No. XVIII.)

The merchants and traders in their mutual relations usually take and are entitled to take the reputation of a country and its inhabitants and their previous course of dealings as indicative of their future policies. Our civilization rests on a repetition of acts which are a result of many years of experience. The American people and their government through a long course of historic events established certain principles of dealing with the private property of enemy aliens seized during the war. These American principles logically developed would have been the best antidote to all the war-mongers particularlly when they saw that even in the best case they had nothing to gain. Confiscation of private property during the war was the only business that U. S. as a nation could not and did not try to make a success of. Why then shall this course be swerved from today? The path is well trodden and no new or better principles need be searched for.

It may be argued that this country had on former occasions dealt with a certain set of circumstances which would not tally with those of today.

However, the government of the United States made repeated efforts to make private property of non-combatants immune from seizure by belligerent forces an inviolate rule of international law. At the first Hague conference of 1899 the following resolution was presented by the American delegation:

"The private property of all citizens or subjects of the signatory Powers, with the exception of the contraband of war, shall be exempt from capture or seizure on the high seas of elsewhere by the armed vessels or the military forces of any of the said signatory Powers. But nothing herein contained shall extend exemption from seizure the vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of any of said Powers."

At the second Hague Peace Conference of 1907 the subject matter of the above resolution was considered by the Fourth Committee and submitted for the consideration of the conference at Seventh plenary meeting. The resolution was not passed, but that in no way affected the standpoint of the United States. The resolution in its entirety was approved by the Congress of the United States on April 28, 1904.

It is clear, therefore, that we not only insisted on the adoption of the principle of absolute freedom of private property from any capture or seizure anywhere, but carried the matter so far as to exclude even the case of military necessity of the actual combatant armies—a right of seizure well conceded to the fighting armies in the field by all the leading authorities on international law.

We do not desire here to stir up past memories. What has been done need not be lamented. The Alien Property Custodian Act had been passed and is a valid law of the land (Stoehr v. Garvan 41 S. Ct. 293). But we do regret that the Alien Property Custodian was permitted to dispose of any of the properties seized by him other than perishable goods, if any. However, the question today is how to remedy the past actions and to harmonize them with the avowed American principles as analyzed here by us.

Any thought of offsets or counter accounts, such as the Lusitania damages or the like is repugnant in its very conception to the just disposition of German, Austrian and Hungarian properties now in our hands.

We raise our voice in favor of perpetuating the principles endorsed by our Congress, by John Quincy *Adams*, by Benjamin Franklin, by Thomas Jefferson, by William McKinley and Theodore Roosevelt. We believe that the alien properties should be returned to their rightful owners, that the alien property owners whose property was sold by the U. S. Alien Property Custodian and American citizens who suffered financial losses through any acts of enemy governments shall be entitled to the compensation to be fixed by the Court of Claims. This is the only course, in our opinion, which is in accord with our traditional policy in respect to enemy private property and to do otherwise is to destroy confidence, violate good faith, injure the interests of our commerce and adversely affect our prestige as a nation leading the crusade against the brutality of human warfare.

INCORPORATION AND TAXATION OF AMERICAN CONCERNS IN FRANCE.

By Shaun Kelly of New York Bar.

France as a field for commercial enterprises is attracting more and more business men of today. It is important, therefore, that Americans should know how they can establish a branch office in France or form a French corporation, what the cost and taxes will amount to.

This following article refers to all corporations banking or otherwise with the exception of insurance companies and quasi-public companies which are subject to special regulations: according to proposed legislation corporations exploiting mines and oil will also be subject to special regulations.

Formalities for Opening Branch Office in France.

An American corporation opening a branch office in France must before doing any business obtain the necessary authorization from the Minister of Finance. In order to

obtain this authorization, it must file with the Minister of Finance the following papers:

A certified and legalized copy of its act of incorporation and by-laws, its balance sheet for the last year and a certified and legalized copy of a resolution to be taken by the Board of Directors undertaking to pay all French taxes, a certificate of law to the efect that the resolutions have been properly taken and bind the corporation. In said resolution the Board of Directors must nominate a French representative who will guarantee the French Government the payment of all taxes, fines etc., in France. (French banks generally consent to act as a French representative upon payment of a fee.)

The Minister of Finance will, after examining the papers, signify that he accepts the French representative and only after such advice from the Minister of Finance can a branch office begin to do business in France. It is possible to avoid naming a French representative by making a deposit in cash as a guarantee for the payment of taxes. This method however has never proved advisable as too much time is lost trying to establish a reasonable deposit.

The above papers must be filed not only with the Ministry of Finance but also with what is known also the Enregistrement, and with the French bank (the "Representant Responsible") who has consented to guarantee the payment of taxes. Another set of these papers must also be deposited with the Commercial Register. The Commercial Register requires that a long list of questions be answered such as name, object and duration of the corporation, names, surnames dates and places of birth and nationality of all directors as well as managers of the branch office.

The expenses connected with the opening of a branch are small, involving merely the attorney's fees and those of the "Representant responsable."

Taxes Due on Branch Office in France.

The taxes on a branch office differ from those due by a French corporation only in method of application as in the case of the 10% tax on distributed dividends and are as follows:

1.—*Tax due to the Department and Commune.* This tax is based on the nature of the business and the amount of the annual rental paid, so that it is impossible to calculate the amount of this tax unless the annual rental and the nature of the business are known.

As a slight indication I shall take a corporation dealing in silk merchandise having a rental of eight thousand francs—The tax would be in the case of wholesale business: Francs, 2638.40—in case of retail: Francs, 1780.92.

2.—*Tax of 8% on net Annual Profits.* This tax is not due on profits by establishments situated outside of France.

3.—*Sales Tax also called Tax on Turn-Over.* This tax amounts to 1, 10%, 3% or 10% of sales according to the nature of the business. The 1, 10% applies to ordinary business. The 3% to certain cases of hotels and business of a similar nature. The 10% applies to business dealing in articles classed as luxuries and when the business itself is classed as such.

The sales tax is not due however when the goods are exported or wher the business is done abroad. Business will not be considered as done abroad when the ultimate delivery is to take place in France.

4—*Tax of 10% on distributed dividends and on interest of sums borrowed.* For a foreign branch this tax is fixed arbitrarily by the Minister of Finance who decides what proportion of the dividends of the parent company shall be taxed in France. It is difficult to tell how the Minister of Finance arrives at this proportion or to obtain a modification when once the decision of the Minister has been rendered; the proportion is fixed for a period of three years.

To understand this tax let us take an example:

Let us assume that the parent company declared dividends during the last year of a million dollars, that the branch office has earned nothing; that the Minister has decided that the branch office must pay on a proportion fixed at 1/5 of the dividends earned by the parent company the tax then would be levied on: 1/5 divided by 1,000,000 equal $200,000. Two hundred thousand dollars therefore would be the amount taxable in France: 10% of $20,000. Consequently even though the branch office may not have earned a cent it will have to pay a tax of 20,000 dollars.

There are other small taxes such as the muncipal tax based upon the annual rent. This changes every year and is roughly 3% of the annual rent. The other taxes are very small and include a small tax for a guarantee fund for accidents to workmen and small taxes for the upkeep of the Commercial Bourse. Finally there are the usual city taxes such as the removal of garbage etc.

Incorporation of a French Company (Societe Anonyme).

The Societie Anonyme is very simlar to our Stock Corporations and the English companies with limited liability.

To incorporate a French company there must be 7 subscribers. The entire stock of the Company must be fully subscribed and at least 25% of the capital should be paid in cash, the balance being subject to call by the Board of Directors and the shareholders can all be, if desired, American citizens. There is no regulation under French law that a portion of the shareholders or directors be French.

The formalities of incorporation are simple. Subscription blanks must be signed by at least 7 shareholders and at least one fourth of the capital of the corporation must be paid into a bank in France to the account of the company in formation. There is no special charter to be obtained from the State. The company in formation simply deposits the by-laws known in France as "statuts" with a notary as well as the declaration that the stock has been fully subscribed and at least ¼ thereof has been paid. A certificate from the bank showing that the necessary amount of money is standing to the credit of the company in formation is also deposited with a notary.

The by-laws can be made very exacting or very broad. The company is governed by these by-laws and by the French law. The Board of Directors must be composed of at least 3 directors. It may be stated in the by-laws that resolutions can be validly taken by only two directors. The meetings of shareholders and directors must take place in France; proxies may be given.

The name of the French corporation can be very similar to the parent company. If the parent company's name is "John Jones Company" then the French company could be called, "Les Etablissements John Jones Company" or if the name of the parent company is the "Zanzida Zinc Company," the French name could be the "Zanzida Zinc Company (France)."

It must be remembered that though you can have a French corporation (Societe Anonyme) with a very small capital yet on all bills and letter heads of the corporation the nominal capital must be printed. A corporation with a small capital is looked upon with suspicion and it is there-

fore wise to always have the capitalization as large as circumstances render possible.

The expense of forming a French corporation outside of the cost of publication and attorney fees is as follows:—registration fee of 1% of the nominal capital; notary's fee based on sliding scale: one half per cent of the nominal capital up to 500,000 francs; one quarter per cent from 500,000 to 1,000,000 francs; one eighth per cent above 1,00,000 up to 3,000,000 francs; one sixteenth per cent above 3,000,000 francs.

Taxes Payable by Societe Anonyme.

The taxes due by a French company are the same as those due from a branch office viz: a.—tax due to the Department and Commune; b.—tax of 8% on net annual profits; c.—sales tax also called tax on Turn-Over: d.—tax of 10% on distributed dividends and on interest for sums borrowed.

It will be noticed that the only difference in the taxes which have to be paid by the branch of a foreign corporation and a French corporation is item (d) that is the tax of 10% on distributed dividends and on interest for sums borrowed.

The foreign corporation has to pay 10% upon a proportion of the dividends paid in America, whether it earned any dividends in France or not, while the French corporation pays this 10% only on such dividends as it may have distributed during the year.

American corporations that distribute large dividends find this 10% tax on dividends very burdensome. The simplest way of avoiding this tax is to form a French corporation and thereby pay a tax on only such dividends as are declared by the French corporation. On the other hand some American corporations have organized a small American corporation so managed as to make but small net profits and consequently small dividends, if any. Such small corporation entirely owned by the larger one then opens a branch office in France. Corporations who have followed this method of procedure have often done so, more to simplify their bookkeeping rather than to avoid French taxation. Those corporations that have branches in many countries consider it simpler to have one corporation organ ized in America whose sole purpose is to manage its foreign branches rather than to have a corporation in each country organized under the laws of those countries. Nevertheless some very large industrial companies have organized English, French, Italian etc., corporations instead of branches and seem to have no difficulty over details of administration.

Whenever it is possible Americans are advised to form French corporations for their incorporation is simple, expeditious and is subject to minimum taxes.

Such French corporation can be incorporated very quickly (some having been constituted within ten days), while the opening of a branch office takes considerably longer due to the fact that the consent of the Minister of Finance is necessary. The taxes, as explained above, are less than those paid by foreign branches when the parent corporation is declaring dividends. Lastly, the French tend to be suspicious of foreign corporations organized under laws concerning which they know nothing and consequently prefer to deal with corporations organized under the French law. The national feeling is now especially strong in France and it is not good policy to ignore this by forming foreign brarches when it is so simple and more advantageous to form a French corporation.

U. S. TARIFF ACT, 1921.

TITLE I.—EMERGENCY TARIFF.

That on and after the day following the passage of this Act, for the period of six months, there shall be levied, collected, and paid upon the following articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the Islands of Guam and Tutuila), the rates of duty which are prescribed by this section, namely:

1. Wheat, 35 cents per bushel.
2. Wheat flour and semolina, 20 per centum ad valorem.
3. Flaxseed, 30 cents per bushel of fifty-six pounds.
5. Beans, provided for in paragraph 197 of the Act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, 2 cents per pound.
6. Peanuts or ground beans, 3 cents per pound.
7. Potatoes, 25 cents per bushel of sixty pounds.
8. Onions, 40 cents per bushel of fifty-seven pounds.
9. Rice, cleaned, 2 cents per pound, except rice cleaned for use in the manufacture of canned foods, on which the rate of duty shall be 1 cent per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, 1¼ cents per pound; rice flour, and rice meal, and rice broken which will pass through a number twelve wire sieve of a kind prescribed by the Secretary of the Treasury, one-fourth of 1 cent per pound.
10. Lemons, 2 cents per pound.
11. Oils: Peanut, 26 cents per gallon; cottonseed, cocoanut, and soya bean, 20 cents per gallon; olive, 40 cents per gallon in bulk, 50 cents per gallon in containers of less than five gallons.
12. Cattle, 30 per centum ad valorem.
13. Sheep; One year old or over, $2 per head; less than one year old, $1 per head.
14. Fresh or frozen beef, veal, mutton, lamb, and pork, 2 cents per pound. Meats of all kinds prepared or preserved, not specially provided for herein, 25 per centum ad valorem.
15. Cattle and sheep and other stock imported for breeding purposes shall be admitted free of duty.
16. Cotton having a staple of one and three-eighths inches or more in length, 7 cents per pound.
17. Manufactures of which cotton of the kind provided for in paragraph 16 is the component material of chief value, 7 cents per pound, in addition to the rates of duty imposed thereon by existing law.
18. Wool, commonly known as clothing wool, including hair of the camel, angora goat, and alpaca, but not such wools as are commonly known as carpet wools: Unwashed, 15 cents per pound; washed, 30 cents per pound; scoured, 45 cents per pound. Unwashed wools shall be considered such as shall have been shorn from the animal without any cleaning; washed wools shall be considered such as have been washed with water only on the animal's back or on the skin; wools washed in any other manner than on the animal's back or on the skin shall be considered as scoured wool. On wool and hair provided for in this paragraph, which is sorted or increased in value by the rejection of any part of the original fleece, the duty shall be twice the duty to which it would otherwise be subject, but not more than 45 cents per pound.
19. Wool and hair of the kind provided for in paragraph 18, when advanced in any manner or by any process of manufacture beyond the washed or scoured condition, and manufactures of which wool or hair of the kind provided for in paragraph 18 is the component material of chief value, 45 cents per pound in addition to the rates of duty imposed thereon by existing law.
20. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, one and sixteen one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscopic test, four one-hundredths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above forty degrees, 24 per centum ad valorem; testing above forty degrees and not above fifty-six degrees, 3½ cents per gallon; testing above fifty-six degrees, 7 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.
21. Butter, and substitutes therefor, 6 cents per pound.
22. Cheese, and substitutes therefor, 23 per centum ad valorem.

23. Milk, fresh, 2 cents per gallon; cream, 5 cents per gallon.

24. Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, 2 cents per pound; sugar of milk, 5 cents per pound.

25. Wrapper tobacco and filler tobacco when mixed or packed with more than 15 per centum of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $2.35 per pound; if stemmed, $3 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

The term "wrapper tobacco" as used in this section means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term "filler tobacco" means all other leaf tobacco.

26. Apples, 30 cents per bushel.

27. Cherries in a raw state, preserved in brine or otherwise, 3 cents per pound.

28. Olives, in solutions, 25 cents per gallon; olives, not in solutions. 3 cents per pound.

Sec. 2. The rates of duty imposed by section 1 (except under paragraphs 17 and 19) in the case of articles on which a rate of duty is imposed by existing law, shall be in lieu of such rate of duty during the six months period referred to in section 1.

Sec. 3. After the expiration of the six months' period referred to in section 1, the rates of duty upon the articles therein enumerated shall be those, if any, imposed theron by existing law.

Sec. 4. The duties imposed by this title shall be levied, collected, and paid on the same basis, in the same manner, and subject to the same provisions of law, including penalties, as the duties imposed by such Act of 1913.

TITLE II.—ANTIDUMPING.

Dumping Investigation.

Sec. 201. (a) That whenever the Secretary of the Treasury (hereinafter in this Act called the "Secretary"), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies in such detail as may be necessary for the guidance of the appraising officers.

(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold his appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise.

Special Dumping Duty.

Sec. 202. (a) That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, if the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid in addition to the duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

(b) If it is established to the satisfaction of the appraising officers that the amount of such difference between the purchase price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers for exportation to the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purpose of this section.

(c) If it is established to the satisfaction of the appraising officers that the amount of such difference between the exporter's sales price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section.

Purchase Price.

Sec. 203. That for the purposes of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

Exporter's Sales Price.

Sec. 204. That for the purpose of this title the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

Foreign Market Value.

Sec. 205. That for the purposes of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or freely

offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantites, and in the ordinary course of trade for home consumption (or, if not sold or offered for sale for home consumption, then for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

Cost of Production.

Sec. 206. That for the purposes of this title the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of identical or substantially identical merchandise;

(3) The cost of all containers and coverings, and all other costs, charges and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration.

Exporter

Sec. 207. That for the purposes of this title the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States:

(1) If such person is the agent or principal of the exporter, manufacturer, or producer, or

(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(4) If any person or persons, jointly or severally, directly or indirectly through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer.

Oaths and Bonds on Entry

Sec. 208. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) that he will report to the collector the exporter's sales price of the merchandise within 30 days after such merchandise has been sold or agreed to be sold in the United States, (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by this title upon such merchandise, and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe.

Duties of Appraisers

Sec. 209. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost of production to the contrary notwithstanding) and report to the collector the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of this title.

Appeals and Protests.

Sec. 210. That for the purposes of this title the determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law.

Drawbacks.

Sec. 211. That the special dumping duty imposed by this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties.

TITLE III. — ASSESSMENT OF AD VALOREM DUTIES.

Sec. 301. That whenever merchandise which is imported into the United States is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof, duty shall in no case be assessed on a value less than the export value of such merchandise.

Export Value.

Sec. 302. That for the purposes of this title the export value of imported merchandise shall be the price, at the time of such merchandise to the United States, at which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, and plus, if not included in such price, the amount of any export tax imposed by the country of exportation on merchandise exported to the United States.

References to "Value" in Existing Law.

Sec. 303 (a). That wherever in Title I of this Act, or in the Tariff Act of 1913, as amended, or in any law of the United States in existence at the time of the enactment of this Act relative to the appraisement of imported merchandise (except sections 2874, 2976, and 3016 of the Revised Statutes, and section 801 of the Revenue Act of 1916), reference is made to the value of imported merchandise (irrespective of the particular phraseology used and irrespective of whether or not such phraseology is limited or qualified by words referring to country or port of exportation or principal markets) such reference shall, in respect to all merchandise im-

ported on or after the day this Act takes effect, be construed to refer, except as provided in sub-division (b), to actual market value as defined by the law in existence at the time of the enactment of this Act, or to export value as defined by section 302 of this Act., whichever is higher.

(b) If the rate of duty upon imported merchandise is in any manner dependent upon the value of any component material thereof, such value shall be an amount determined under the provisions of the Tariff Act of 1913, as in force prior to the enactment of this Act.

TITLE IV.—GENERAL PROVISIONS.

Statements in Invoice.

Sec. 401. That all invoices of imported merchandise, and all statements in the form of an invoice, in addition to the statements required contain such other statements as the Secretary may by regulation prescribe, and a statement as to the currency in which made out, specifying whether gold, silver, or paper .

Statements at Time of Entry.

Sec. 402. That the owner, importer, consignee, or agent, making entry of imported merchandise, shall set forth upon the invoice, or statement in the form of an invoice, and in the entry in addition to the statements required by the law in existence at the time of the enactment of this Act, such statements, under oath if required, as the Secretary may by regulation prescribe.

Conversion of Currency.

Sec. 403. (a) That section 25 of the Act of August 27, 1894, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," is amended to read as follows:

"Sec. 25. That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint and be proclaimed by the Secretary of the Treasury quarterly on the *first* day of January, April, July, and October in each year."

(b) For the purpose of the assessment and collection of duties upon merchandise imported into the United States on or after the day of the enactment of this Act, wherever it is necessary to convert foreign currency into currency of the United States, such conversion, except as provided in subdivision (c), shall be made at the values proclaimed by the Secretary under the provisions of section 25 of such Act of August 27, 1894, for the quarter in which the merchandise was exported.

(c) If no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate. For the purposes of this subdivision such buying rate shall be the buying rate for cable transfers payable in the foreign currency so to be converted; and shall be determined by the Federal Reserve Bank of New York and certified daily to the Secretary, who shall make it public at such times and to such extent as he deems necessary. In ascertaining such buying rate such Federal Reserve Bank may in its discretion (1) take into consideration the last ascertainable transactions and quotations, whether direct or through the exchange of other currencies, and (2) if there is no market buying rate for such cable transfers, calculate such rate from actual transactions and quotations in demand or time bills of exchange.

(d) Sections 2903 and 3565 of the Revised Statutes are repealed.

(e) Section 25 of such Act of August 27, 1894, as in force prior to the enactment of this Act, and section 2903 of the Revised Statutes, shall remain in force for the assessment and collection of duties on merchandise imported into the United States prior to the day of the enactment of this Act.

Inspection of Exporter's Books

Sec. 404. That if any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary, or an appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped or consigned by such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported,(to be sold at public auction as in the case of forfeited merchandise.

Inspection of Importer's Books.

Sec. 405. That if any person importing merchandise into the United States or dealing in imported merchandise fails, at the request of the Secretary, or an appraiser, or person acting as appraiser, or a collector, or a general appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise, then while such failure continues the Secretary, under regulations prescribed by him, (1) shall prohibit the importation of merchandise into the United States by or for the account of such person, and (2) shall instruct the collectors to withhold delivery of merchandise imported by or for the account of such person. If such failure continues for a period of one year from the date of such instructions the coltor shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise.

Definitions.

Sec. 406. That when used in Title II or Title III or in this title—

The term "person" includes individuals, partnerships, corporations, and associations; and

The term "United States" includes all Territories and possessions subject to the jurisdiction of the United States, except the Philippine Islands, the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone.

Rules and Regulations.

Sec. 407. That the Secretary shall make rules and regulations necessary for the enforcement of this Act.

TITLE V.—DYES AND CHEMICALS.

Sec. 501. (a) That on and after the day following the enactment of this Act, for the period of three months, no sodium nitrite, no dyes or dyestuffs, including crudes and intermediates, no product or products derived directly or indirectly from coal tar (including crudes, intermediates, finished or partly finished products, and mixtures and compounds of such coal-tar products), and no synthetic organic drugs or synthetic organic chemicals, shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantities and on reasonable terms as to quality, price and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after receipt of the merchandise.

b (provides for the immediate abolition of the War Board Section of the Department of State and the transfer of its business to the Treasury Department).

Approved, May 27, 1921.

SINO-GERMAN TRADE AGREEMENT.

By the signature of an agreement concluded between China and Germany the relations of amity and commerce between the two countries have been reestablished. Germany also gives China a declaration in which she consents to the abrogation of the consular jurisdiction in China, expresses her inability through force majeure to restore to China all her rights and privileges in Shantung, and undertakes the fulfillment of the obligations arising from the Articles in the China section of the Versailles Treaty, the restoration to China of the German "glacis," and the reimbursement of the expenses for the internment of the German militaries in China.

The agreement which applies the principles of equality and reciprocity and of the respect of territorial sovereignty consists of seven articles. The first deals with the mutual right of appointing diplomatic representatives, and the second the right of appointing consuls and consular agents. The third article provides that the nationals of either of the two countries have the right to travel to reside, and to engage in trade in all places in the other, where nationals of a third nation are allowed to do so that their life and property are under the jurisdiction of the local courts; and that they shall pay no imposts, taxes, or

contributions higher than those paid by nationals of the country wherein they reside. The fourth articles provides for tariff autonomy subject to the proviso that nationals of one shall not pay import, export, or transit duty higher than those paid by the nationals of the other. Then follows the fifth article which stipulates that the declaration and the agreement shall be the basis for a definitive treaty; the sixth article which declares the French text to be authentic, and the seventh article which sets the date of the coming into force of the agreement on the day when the two Governments shall have notified each other of their ratifications.

The plenipotentiaries of the two high contracting parties also exchanged notes. In the note from the German representative to the Chinese Minister of Foreign Affairs, it is stated that with reference to the Sino-German agreement and the German declaration, there are certain interpretations as follows:

(1) Though provision is made in article 4, of the agreement with regard to the customs duty on Chinese goods, China is still entitled to the privilege of applying article 264 of the Versailles Treaty.

(2) By the reimbursement of internment expenses, as is stated in the declaration is meant that Germany in addition to indemnifying China according to the principles of the Versailles Treaty is also willing to refund to China the internment expenses. As to the war indemnity, Germany agrees to pay in advance a portion thereof in a lump sum, which represents the equivalent of one-half of the values of the sequestrated but not yet liquidated German property, which amount will eventually be agreed upon and which will consist of $4,000,000 in cash and the balance in Tsinpu and Hukwang bonds.

(3) Chinese property in Germany shall be returned at the ratification of the agreement.

(4) The German Government will assist the Chinese students in Germany in securing their education or practical experience.

In the same note there are also queries concerning the following matters to which answers are requested:

(1) The security to be given in future to German property in China.

(2) The judicial guaranty of German residents in China.

(3) Cases in the Mixed Court.

(4) China's Trading With the Enemy Act.

(5) The liquidation of Sino-German indebtedness.

The reply from the Minister of Foreign Affairs to the German representative while acknowledging the receipt of Mr. von Borch's letter containing the explanation on (1) the customs tariff on Chinese goods imported into Germany (2) the payment of indemnity, (3) Chinese property in Germany, and (4) Chinese students in Germany, answers the queries of the German representative as follows:

(1) The Chinese Government promises full protection to German residents in China, undertaking no further sequestrations of their property, except in accordance with the principles of international law and the laws of China; provided that Chinese would receive similar treatment in Germany.

(2) Law suits in which Germans are involved shall be tried in the modern courts, according to the modern codes and following the regular procedure, and the assistance of German lawyers and interpreters is permitted.

(3) As to the German cases in the Mixed Court the Chinese Government will try to find a solution so as to insure justice and fairness to both sides.

(4) At the ratification of the agreement, China's Trading with the Enemy Act will lose its effect and all German trademarks which had been registered at the customs house will also recover their validity if registered again by the owner. As to the German imports into China, the customs duty may be paid according to the general tariff prior to the adoption of the national tariff.

(5) China has no intention to join the clearing-house system generally established by the Allied and Associated Powers.

It is further stated that the Chinese Government in consideration of the fact that Germany undertakes to pay, in a lump sum, a portion of the war indemnity to the Chinese Government, China also agrees to cease, at the signature of the agreement, all further liquidation of German property, and on receipt of the aforesaid indemnity and after the ratification of the agreement, agrees to return to German owners all the proceeds from the liquidation of German property and all the German property still under sequestration. As to the Deutch-Asiatic Bank and the Ching-Hsing Mining Corporation the Chinese authorities concerned will discuss methods of settlement with the bank and the corporation themselves.

DEGREE ON SPANISH HYDROELECTRIC ENTERPRISES.

The Royal Decree of June 14, 1921, has modified the application of the Law of June 13, 1879, with respect to concessions for the exploitation of hydroelectric power and industrial uses of water. It is provided that concessions shall be authorized in the future only in conformity with the following decreed regulations:

1. Concessions shall only be granted to Spaniards or companies constituted and domiciled in Spain, it being required that the president of the board of directors and the administrators, managers, and directors of these societies be Spanish. Positions in the company held by foreigners shall be limited to one-third of the total number of officers of the company. These companies may not be transferred or leased except to persons or companies that fulfill the above requirements.

2. Concessions for the exploitation of hydroelectric power shall be granted for a maximum term of 65 years, counting from the beginning of the exploitation. At the end of the term of concession all of the works, machinery, transportation lines, and other elements of exploitation belonging to the concessionary shall revert to the State.

3. The Government may authorize or exact, upon granting the concession, that a part or all of the energy in the exploitation be destined to certain public services. In the same way the concessionaire, after utilizing the amount of power granted him by the concession, shall devote the surplus electric energy of the exploitation of this concession to the general electric system established and under the conditions specified for this general system.

4. In exploitations which exceed 1,000 horsepower the Government may require the concessionaire to furnish up to 5 percent of the energy to the municipality in which the plant is installed or to the State for public service, at the price fixed by the Government, charging a reduced rate of interest. There shall be no appeal from the decision of the Government in these matters.

5. All of the materials and machinery employed in the concession shall be of Spanish manufacture unless it is shown by the Commission for the Protection of National Products that it is impossible to obtain these materials and machinery in Spain. There shall be no appeal from the decision of the State in this matter.

6. Before granting these concessions, the civil governors shall consult with the Ministry of Public Works with respect to the relation of this Royal Decree to the particular concession in question.

7. The concessions for the exploitation of hydroelectric energy now in force shall be respected in all of their rights and priveleges, but if these installations are modified or amplified after the issuance of this Decree, the concessionaires shall be obliged to use exclusively materials and machinery of Spanish production in accordance with the foregoing regulations, and if a prorogation of their concession is solicited it must be extended only in accordance with the present Royal Decree under conditions determined by the Minister of Public Works.

All of the regulations of the decree apply to the petitions for concessions now pending, and it is decreed that all petitioners for these pending concessions inform the Ministry of Public Works within 15 days whether or not they will conform to these conditions.

NEW ITALIAN TARIFF.

"La Gazzetta Ufficiale" of June 40, 1921, contains Royal Decree No. 806, dated June 9, which enacts the new schedule of duties to go into effect the day immediately following publication of the decree, July 1, when the table of new duties was made public and forthwith went into operation. That the new rates are considerably higher than the old goes without saying, especially as applied to manufactured goods. The general advance of duties, however, does not indicate by any means the triumph of protectionist sentiment in Italian tariff policy. The whole new schedule, consisting of basic rates and coefficients by which each basic rate is to be increased for the time being, is designed to give the Government a powerful aid in negotiation of commercial treaties and trade agreements with other countries. The purpose is to have the basic rates serve as permanent minimum duties. Some Government officials speak of these rates as the "conventional" duties. The enacting decree empowers the Government to change the coefficients from time to time as economic conditions may vary in the future.

Application of Coefficients.

To begin with, the application of the cofficients should be explained. As an example we may take, under item 429, the duty on typewriters, tabulated as follows:

Typewriters, per quintal (220.46 pounds):

Import duty lire in gold	200
Coefficient of increase	400
Gold duty (lire)	400

The coefficient 1 means that the basic duty, 200 lire per quintal must be doubled in order to arrive at the actual gold duty now imposed. In the case of raw cotton in bales the basic duty is given as 3 lire per quintal, but no coefficient of increase is assigned to this commodity. Therefore the gold duty is the same as the basic duty—3 lire.

Under agricultural machinery, a heading which has become considerably elaborated under the new tariff, a basic duty of 17 lire per quintal and a coefficient of increase of 0.2 are assigned to harvesters and reapers weighing more than 10 but not more than 30 quintals. The amount which must be added to the basic duty is therefore obtained by multiplying 16 lire by 0.2, which gives 3.20 lire. This addition makes the actual gold duty 19.20 lire per quaintal on harvesters and reapers within the indicated limits of weight for individual machines.

Raw and Semi-finished Materials.

Raw and semifinished materials which are important for Italian industry and for the most part necessarily come from abroad, receive rather lenient treatment. The classification of iron and steel products as raw materials or finished goods presents some peculiarities. Common pig iron under the old tariff was liable to a general rate of 1 lira per quaintal, while the new duty—obtained by applying the coefficient 2.5 to the basic duty of 1.25 lire—amounts to 4.37½ lire per quintal. The increase in this particular duty responds to the insistent demands of Italian blast-furnace operators that their industry be given protection sufficient to insure its survival. On the other hand, steel ingots, which generally would be considered a product in a state of manufacture more advanced than pig iron, have undergone a decrease of duty from 10 lire per quintal under the old tariff to 5.40 lire—the basic duty being 3 lire and the coefficient of increase 0.8—under the new. With the present state of development reached by the country's iron and steel industry steel ingots are considered a raw material of rolling mills, whereas pig iron is taken to be the finished product of blast furnaces.

Exchange Factor.

All gold duties in the new tariff, like those in the old one, are subject to multiplication by the general exchange factor, based on the approximate premium the dollar commands over the lira, which is revised on the 1st and 16th day of every month by the Ministery of the Treasury in order to arrive at the actual amount of duty payable in paper currency. Since the 1st of May this exchange factor, by which all duties are multiplied, has varied at follows: May 1-15, 4.00. May 16-31, 3.81; June 1-15, 3.48; June 16-30, 3.80: July 1-15, 3.83.

General Level of Rates.

The general level of rates in the new schedules are so high as to put tariff on a definitely protective basis which is modified only in so far as certain raw materials which the country does not possess incur a smaller duty or enter duty free. On certain manufactured specialties of a mechanical character—typewriters, adding machines, cash registers, and agricultural machinery, largely produced for the export market in the Untited States—the present duties appear well-nigh prohibitive. Even if future trade arrangements could bring about a reduction of the coefficients, as is possible under the powers conferred on the administrative authorities, the basic rates, which are declared in official quarters to be irreducible minimum duties, would in many cases present almost insurmountable obstacles to imports. Italian officials feel that their country has been at a great disadvantage in dealing with other nations which impose high duties on exported Italian specialties. Now, however, they believe that the new rates, with their appropriate coefficients subject to administrative modification, will compel foreign interests who are interested in the Italian markets to make concessions which will render it easier for them to introduce their goods into Italy and at the same time permit Italian exports to have more extended outlets.

PERUVIAN BANKING DECREE.

The following is a translation of the decree of May 2 1921, restricting the use of the capital and deposits of Peruvian banks and of branches of foreign banks in Peru:

Whereas the removal of the national capital from the country restricts productive investments within the country and the development of industries and causes an increase in the cost of living:

Whereas it is the duty of the State to protect the investment of the national capital:

By virtue of the authority contained in Act No. 1967, and until the Legislative Power shall enact laws which will give elasticity to the paper currency.

It is decreed that (1) the banks, both Peruvian and foreign, are obliged to keep in their vaults or invested in the country the value of the declared capital of the former or the sums assigned to the latter at the time of their establishment in Peru. (2) The Caja de Ahorros and others of its class are included in this provision. (3) The Peruvian and foreign banks established within the Republic are obliged to maintain invested within the country the total amount of funds deposited with them by the public in any form of account and may not employ in operations outside of the country any money excepting that which exceeds such total. (4) The fiscal inspector of banks shall take care to verify the monthly, semiannual, and annual balances made by the banks in the Republic, fixing his signature to his approval for publication and other purposes; he shall institute an official file of authenticated copies of these balances and will record daily fluctuations in foreign exchanges, keeping a book containing exact statements of the changes and their causes; he will also establish a special file of the statutes, regulations, and reports of the banks, as well as of all laws and dispositions pertaining to them since their establishment in Peru; he will compile the statutes and regulations of the banks established in the principal commercial cities of the world as a source of information; and he shall visit the banks whenever his presence there is necessary. (5) All the banks, the stock exchange, the Caja de Ahorros, and in general all those that have to do with the fixing of foreign exchange shall at all time proceed according to the advice of the fiscal inspector of banks. (6) The Secretary of the Treasury will meet the expense incurred in carrying out this decree, charging the amount to the general budget.

VENEZUELAN PHARMACY REGULATIONS.

An executive decree issued on January 18, 1921, by the Government provides regulations for the practice of pharmacy, in accordance with the provisions of article 17, of the pharmacy law. The following are the most important provisions concerning pharmaceutical specialties and vaccines and serums:

Pharmaceuticals.

Article 80: The pharmaceutical preparations, whether domestic or foreign, for human or veterinary, internal or external use, including medicinal bitters and wines, hair dyes, depilatory preparations, infants' foods and preparations used for the preservation or purification of water or food stuffs, may be sold only on a permit issued by the Director of Public Health, without which they will be considered as secret remedies prohibited for sale.

Article 81: In order to obtain the permit mentioned in the previous article, an application shall be made to the Director of Public Health in accordance with the following requirements:

1. A separate application shall be made for each product on stamped paper of the seventh class.

2. A copy of the qualitative and quantitative formulas, and each one of the labels, prospectus, and any other indications or directions which the preparation will bear as offered for sale to the public, shall be attached to each application. A brief description of the active principle of the product and its nature, or its hygienic or pharmacological properties, shall also be attached.

3. Three samples of each preparation shall be sent to the Central Bureau of Health with each application.

4. The copies of labels, prospectus, formulas, and other literature mentioned in subparagraph 2 shall be dated and signed by the person interested.

Article 82: If the Director of Public health finds the application in order, he will send a bill to the person interested for payment of 100 bolivars for each product to the National Treasury. After this amount is paid the Director of Health will order an analysis of the preparation by the Chemical Laboratory if necessary.

Article 83: If the analysis shows that the preparation

corresponds to the formula given, if the introduction of the new preparation offers any advantage or profit, and if the labels, prospectus and other literature do not contain any fraud or overstatement detrimental to professional ethics, the Director of Health will issue a permit authorizing the sale of the preparation, specifying whether it may be sold freely or only on a physician's prescription.

Article 84: The qualitative formula of the preparations must be clearly printed on the labels of the containers and must indicate the amount of active principles contained in the preparations. The containers shall also bear the name of the manufacturer and the address of the factory.

Article 85: The permit issued by the Director of Sanitation for the sale of specialties may be referred to in advertising or public announcements in the following form only: "Venta autorizada por la Oficina Central de Sanidad Nacional", "Certificado No. Expendio libre" or "Expendio mediante receta" (as the case may be).

Article 86: The preparations must contain the substances indicated in their formulas and nothing else; and they must not be sold or offered for sale to the public in any other form than that expressly accepted by the Central Bureau of Public Health. Any variation in the preparation or constitution of a preparation, or in the literature and prospectus, will be punished with cancellation of the permit and a fine of 200 to 1000 bolivars. This fine will be imposed on the importer in the case of a foreign product, and on the manufacturer in the case of a domestic product.

Article 87: The preparations authorized by the Central Bureau of Public Health before the promulgation of the present regulations must comply with the above conditions within the next six months, without payment of any fee. Representatives or importers of foreign preparations shall be responsible for complying with these provisions.

Article 90 Three months after the promulgation of this decree the importation through the customhouses of the Republic of prepartions inteded for sale, not previously authorized by the director of National Sanitation, is prrohibited.

Serums and Vaccines.

Article 92: Vaccines, serums, toxins, antitoxins, and biological products chemically undetermined and any other product of unknown composition, intended for use by injections as prophylactic, curative or diagnostic agents, shall not be sold or given away to the public without a special permit from the Director of Public Health. To obtain this permit, a separate application for each product must be submitted on stamped paper.

Article 93: In the case of foreign products, the application shall be made by importers and must contain the following data:

1—Documentary evidence that the product has been manufactured under government supervision in the country of origin.

2—Name of manufacturer and location of the factory.

3—Name of the product and its value as prophylactic, curative or diagnostic agent.

4—The period during which the product will retain its efficacy.

Article 94: If the product has not been manufactured under the government supervision in the country of origin, or if this supervision does not satisfy the Director of Public Health, he will order it analysed at the expense of the importer, who must furnish samples and all material required for the above mentioned analysis.

Article 100: The containers of products prepared for sale, whether of foreign or domestic manufacture, shall bear the following information

1—Name of the product and the manufacturer.

2—Name and location of the factory.

3—Date of manufacture, except for those products which do not alter with time, and the period during which the product retains its efficacy.

4—Its value as a prophylactic, curative, or diagnostic agent.

5—The words "Aprobado por la Oficina Central de Sanidad Nacional."

6—Printed direction for the use and conservation of the product shall be attached to each container.

Article 102:—The Central Bureau of Public Health will see that domestic and foreign products offered for sale or given away to the public comply with the conditions of purity and efficacy provided for in the present regulations. Dealers, importers, and manufacturers will have to supply samples necessary for the enforcement of the regulations.

Article 103: The aforesaid products shall not be sold, nor offered for sale, nor dealt with in any form whatsoever, after the expiration of their respective periods of efficacy.

Article 104: Within three months after the promulgation of the present decree, the establishments already in operation or the products already imported shall comply with its provisions.

SPANISH DECREE ON MINING CONCESSIONS.

The following decree regarding the granting of concessions for the exploration and operation of mines appeared in La Gaceta de Madrid of June 15:

Article 1. On and after the date of publication of this decree in La Gaceta de Madrid mining concessions will be granted only to Spaniards or companies formed and domiciled in Spain, it being required in the latter case that the president of the Council of Administration, the administrative delegates, the managing directors, with the power of signing in the names of the companies, and engineers charged with the works be Spaniards. Only one-third of the other offices may be held by foreigners. The above-mentioned concessions may not be ceded or transferred except to persons or entities fulfilling the stated requisites.

Article 2. All concessions authorized will be under the condition that the material and machinery used in the exploration and operation of the mines shall be of Spanish production and manufacture, and that the use of foreign material and machinery will only be authorized in the case where it is shown, before the Commission for the Protection of National Production, that it is absolutely impossible to obtain them in Spain on account of their not being produced here. The Government will make its decision without further recourse.

Article 3. The present concessionnaires of mines and those being registered on the date of this decree will continue to enjoy the rights authorized by their concessions and only in their new installments will have to comply with the conditions of the above article with regard to materials and machinery.

RECENT DECISIONS.

1. FRANCE.

NATIONALITY.

The rules referring to the acquisition and the loss of French nationality, though they are contained in the Civil Code, are matters of Public law, relating to the recruitment of army and it is necessary for the safety of defence, especially in the time of war, that these rules be strictly observed.

When the government, authorized by the Law of August 5, 1914 to make by decrees issued in general interest such provisions od a moratorium as may be necessitated by the state of war has in fact by a decree of August 10, 1914 suspended the limitations of time in civil, commercial and administrative matters, the limitations prescribed for the repudiation of French nationality do not form part of said matters and are outside of the provisions of said decree.

The law of July 3d, 1917, relating to the exercise of an option by the sons born in France to an alien, far from implying the contrary, marks the limit of an individual option allowed by the legislature in the matter of restricting the right to repudiate French nationality in times of war. The last mentioned law does not apply to the sons of an alien, born and domiciled in France, who, at the time of its publication, passed the age of full twenty two years; these persons were then already Frenchmen, if they have not declared themselves aliens in accordance with article 8, No. 4 of the Civil Code, unless prevented from making such a declaration by circumstances beyond their control . Cour de Cass. (Chambres reunies) February 2, 1921 (2 Arrets).

II. GREAT BRITAIN.

CUSTODIAN (ALIEN PROPERTY.)

Where the custodian of enemy property has, in pursuance of a vesting order giving him the right to receive all dividends due and to accrue due, been registered as the owner of shares

held in a co. by enemy shareholders, a condition that dividends due to enemy shareholders should be paid out of the assets in an enemy country is not binding on the custodian with respect to dividends directed to be paid after the date of the vesting order and the co. is liable to pay to him all dividends declared on such shares since that date. Under s. 2 of the Trading with the Enemy Amendment Act, 1914, the same rule applies to dividends declared on such shares between the date of the passing of that Act and the date of the vesting order. In re Aramayo Francke Mines, Ld. C. A. 37 T. L. R. 340.

Under the common law of England the Crown has always had and, subject to the effect of the Trading with the Enemy Acts, 1914-16, still has the right to seize and forfeit private property, including choses in action and equitable interests therein, found in this Kingdom belonging to subjects of an enemy State. That right has not been abandoned by desuetude. The powers conferred by the Trading with the Enemy Acts, however, are so inconsistent with the exercise of the common law right of forfeiture that that right must be treated as being thereby, at least temporarily, superseded. In order to complete the title of the Crown to property so seized an inquisition of office must be held before the conclusion of peace. Where enemy property was so seized during war, but no inquisition was held until after tthe conclusion of an armistice, whether the forfeiture was thereby invalidated—quaere. Wolff v. Oxholm (1817) 6 M. & S. 92 distinguished. In re Ferdinand, Ex-Tsar of Bulgaria C. A. (1921) 1 Ch. 107; (1920) W. N. 321; 90 L. J. (Ch.) 1.

Sect. 1. sub-s. (XVI) of the Treaty of Peace Order, 1919, which by S. I. sub.-s. 2. of the Treaty of Peace, Act, 1919, for carrying into effect the Treaty of Peace, has statutory effect provides that "all property, rights and interests within His Majesty's Dominions belonging to German nationals at the date when the Treaty comes into force and the net proceeds of their sale, liquidation or other dealings therewith, are hereby charged (a) with payment of the amounts due in respect of claims by British nationals with regard to their property, rights and interests in German territory. or debts owing to them by German nationals".

Testator, who died before Nov. 11, 1918 the date of the armistice in the war with Germany, gave the income of trust funds to German nationals for life, and directed (clause 23) that, if as the result of legislation owing to the war any beneficiaries who were German subjects were precluded from taking, their interests should be held in trust for other persons not German subjects till the German beneficiaries should be able by reason of further legislation to take, and he expressed a wish that the non-German beneficiaries would when the law allowed repay to the German beneficiaries the sums which would but for this clause have passed to them. Clause 25 provided that, if any person to whom a life interest in a trust fund was given should charge the income or by reason of any event the income would become charged in favor of other persons, his life interest should determine and the income be dealt with as if he were dead, subject to a disretionary trust in favor of him and others: Held, that the true construction of clause 23 was that the life interests given to the German nationals were only till the Treaty of Peace came into force and then ceased, and the Treaty had no opration to charge them; that the clause so construed was not against public policy; and further that in the circumstances clause 25 did not apply . In re Schiff Henderson v. Schiff (1921) 1 Ch. 149; 90 L. J. (Ch.) 82; 124 L. T. 266.

GIFTS.

On Feb. 27, 1919, K., a domiciled Russian then resident in London, having passed a sum of 1000L. to the joint account at a bank of himself and B. instructed B. in the presence of three other persons, in case of K's death, to pay his doctor's bills, funeral expenses, and debts, and to pass over the remnant of the 1000 L. to the plt. L., a Russian lady then living in Switzerland. K. further instructed B. at the same interview to pass to the plt. certain Russian bonds, money, gold articles, and jewellery contained in a separate box in the custody of W. In 1917 before going on a perilous voyage the contents of this box had been left by K. in a sealed case with a friend with the view of providing for the plt. in the case of his death. On Feb. 28, 1919, K. went into a nursing home for a serious operation and died on April 9, 1919, intestate. A memorandum of this message of K. was composed at the Russian consulate in London and signed on June 18, 1919, by B. and two of the others present when it was given. K. had a wife and sons in Russia. B. lodged the balance of the 1000L. amounting to 818L. 19s. 2d. with the Russian consul in London, and it was subsequently paid into Court under an order and the official solicitor was appointed to represent the estate of K:

Held (1) that the gift of the money bonds, and jewellery constituted a good donatio mortis causa by English law. (2) That the law to be applied to it was that applicable to gifts inter vivos and not that applicable to testamentary dispositions, notwithstanding that the subject matter of the donatio was liable to the donor's debts upon a deficiency of assets, and also subject to legacy and estate duty. In re Kornive's Trust. Levashoff v. Block. (1921) 1 Ch. 343. (1920) W. N. 394 65 S. J. 205.

JUDGMENT.

By an order of the District Court of the Third Judicial District of the State of Montana, made in an action in which the plt, sued her husband for support and maintenance, he was ordered "to pay into the office of the clerk of the Court the sum of forty dollars per month for the support and maintenance of the plt., such payments to be made until the further order of the Court."

In an action by the plt. against the executor of her husband, who had since died, for the sum of 480L. arrears due under said order: Held, by the K. B. D., that the order was not such a final and conclusive judgment as to be enforceable by the Irish courts.

Per Gordon J.: Even though the plt, had a final judgment for each monthly installment of maintenance, the order of the Court of Montana, directing payment thereof into Court until further order, was not a final judgment that the deceased was indebted to the plt. in 480L. the total of such instalment. M'Donnell v. M'Donnell. K. B. D. (1921) 2 1. R. 148.

SHIPPING.

On the construction of a charterparty where owners and charterers were both in England and dispatch money and commission payable on loading a ship at foreign port were payable in sterling:

Held, that prima facie such moneys were payable in England unless there was some custom or arrangement which would make such an ex facie English debt payable at the foreign port and that the legal unit established by the Argentine Monetary Law (art. 1 of the Decree of the Argentine Republic of Dec. 2, 1881), fixing the rate of exchange for the English sovereign at 5.040 dols. gold, did not compel owners in England to pay charterers also in England a higher rate for moneys payable on loading at Buenos Aires than the current commercial rate. Atlantic Shipping and Trading Co. v. Dreyfus (Louis) & Co. 37 T. L. R. 173.

III. NETHERLANDS.

SUCCESSION.

Neither article 7, of the Dutch law containing general principles of the legislation for the kingdom, nor the history of the legislation tend to support the view that the law of succession governing the discent of real estate shall be always the law of its location. The national law of the deceased governs the discent of the property of every nature.

In case of a nonappearance of an interested party or a refusal on his part to be represented on the distribution of the property (Art. 1117 Code Civil), the Court must proceed to nominate a party disinterested in the inheritance, this being done independently of the nationality of the absentee or the person refusing to appear in accordance with the law referring to real estate where it is necessary to protect the latter. Maestricht, Rechtbank, January 20, 1921. Weekblad. van het Recht, 10681.

IV. SWITZERLAND.

BANKRUPTCY.

A composition following an insolvency and an injunction being granted against the composition to the creditors secured by mortgages before the composition was accepted, it is doubtful whether the Franco-Swiss treaty of 1869 dealing with the jurisdiction of the Courts (Articles 6 & 9) authorizes interference in Switzerland, said jurisdiction being limited to the assets found in and liabilities incurred in Switzerland, particularly when the person resident is domiciled in France. Huwiler & Bern v. Horis Widmer. Lausanne, Tribunal Federal, January 21, 1921. Recueil officiel des arrets, 47, 11.

DIVORCE.

Though German law continues to be applied in Alsace-Lorraine in a modified form, the fact that Swiss courts have no jurisdiction in divorce matters of French spouses domiciled in

Switzerland governs also the case of Alsace-Lorrainers who have become French citizens by virtue of the treaty of Versailles. Bernheim v. Bernheim. Lausanne, Tribunal Federal, March 22, 1921. Recueil officiel, des arrets, 47, 11.

FOREIGN EXCHANGE.

After effecting a purchase in foreign currency and then rescinding it because of the defects in the article purchased, the puchaser who procured the money necessary to effect the payment on the transaction at a certain rate of exchange and to whom the purchase money was to have been reimbursed at once in the same foreign currency, has the right to be compensated when in the meantime the rates of exchange fell down and the measure of damage is the difference in exchange caused by the fall in value of the foreign currency. Hausherr v. Kaltenmark. Lausanne, Tribunal Federal, February 22, 1921. Recueil officiel des arrets 47, 11.

V. UNITED STATES OF AMERICA.*

ADMIRALTY.

On a libel to recover from a steamship damages due to a shipment of eggs where the issues were not complicated nor unusual, and the libelant was a foreign state, a mere showing that the libelant's proctors here were not able to frame interrogatories, because the documentary evidence and the witnesses were abroad, is not sufficient to put on respondent the burden of taking testimony on open commission, since the libelant can undoubtedly ascertain the facts necessary to enable the proctors to frame the interrogatories.—The Sun. 271 F. 953.

New York.

The liability of master of ship and ship owner for the malicious act of master in leaving a member of the crew, shipping from an America port, in a foreign port, is enforceable in the state courts. Keep v. White, 187 N. Y. S. 736.

ALIENS.

Under Act April 29, 1902, as amended by Act April 27, 1904, 5 (Comp. St. 4337) re-enacting, extending, and continuing prior limitations on the immigration of Chinese laborers, one entering the United States subsequent to the treaty with China of 1894 as a resident merchant's minor son, but subsequently acquiring the status of a laborer, is not entitled to have his wife and minor children, born in China and never residing elsewhere, admitted.

The legislation limiting the immigration or residence of Chinese laborers re-enacted, extended, and continued by Act April 29, 1902, as ammended by Act April 27, 1904, 5 (Comp. St. 4337), is in force notwithstanding the expiration in 1904 of the treaty of 1894 with China, prohibiting the coming of Chinese laborers to the United States.

The statutes limiting the immigration or residence of Chinese laborers excluded all Chinese persons belonging to the class defined as laborers except those specifically and definitely exempted. Yee Won v. White, 41 S. Ct. 504.

The use of the term "any alien" in the several provisions of naturalization Act June 29, 1906, 4, Subt. 7, as added by Act May 9, 1918 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4352), is not intended to enlarge the right to naturalization as restricted by Rev. St. 2169 (Comp. St. 4358), to "free white persons" and persons of African nativity or descent, except in the specific cases of native-born Filipinos and Porto Ricans therein mentioned, and a native Korean is not eligible for naturalization, even though he served in the army during the recent World War.

Letters written to aliens residing in Canada, in which defendant stated it was looking for skilled and unskilled labor, stating the wages for each, and asking when the aliens would report for duty, impliedly offered employment to the aliens, and solicited them to migrate so that they were contract laborers within Immigration Act 1907, 2, who were encouraged to migrate to the United States contrary to section 4—U. S. v. International Silver Co., 271 F. 925.

A final decision of the Labor Department ordering a Chinamen excluded is conclusive upon the courts, when the proceedings before the department was fairly conducted.—U. S. v. Wong Lai, 270 F. 57.

Naturalization is a privilege, and not a right, and Congress has authority under the Constitution to prescribe the terms and conditions upon which such privilege shall be granted.

Under Act June 29, 1906, c. 3592 1 (Comp. St. 961, 962), requiring the Bureau of Immigration to keep a register of the arrival of aliens and issue a certificate thereof to the alien, and section 4, subd. 2, par. 4, of the act of 1906 (section 4352), requiring the certificate of arrival to be filed at the time of filing a petition for naturalization a petition to which such certificate is not attached is a nullity, though the certificate is being forwarded from Washington and a telegram stating that fact is attached and cannot be validated or amended by subsequently attaching the certificate.

Hearings before administrative bodies, like the immigration authorities, are not subject to the rules governing judicial proceedings, and, while in a deportation proceeding the alien must be given a fair hearing, the hearing may be summary.

In a deportation proceeding before the immigration authorities, hearsay evidence is admissible.

In a habeas corpus proceeding to review an order for the deportation of an alien. where the alien had a fair trial, and there was evidence to support the finding that he had imported a woman for immoral purposes, such finding is binding on the court. Morrell v. Baker, 270 F. 577.

The provision of Immigration Act Feb. 5, 1917, 19 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ jj), relating to deporting of aliens held retrospective with respect to aliens convicted, or who admit the commission prior to entry of a crime involving moral turpitude, and to authorize the deportation of such an alien who entered before its passage.

The provision of Immigration Ace Feb. 5, 1917, 19 (Comp. St. 1918, Comp. St. Ann. Supp, 1919 4289¼ jj), limiting to five years the time within which an alien, who at the time of entry was a member of a class excluded by law, may be arrested for deportation, held not to apply to an alien who was convicted, or who admits to the commission prior to entry, of a crime involving moral turpitude. Lauria v. U. S. 271 F. 261.

An alien who had been discharged in a foreign port from an American vessel for illness, and was therefore entitled to the protection of Rev. St. no. 4577, 4805 (Comp. St. no. 8368, 8369, 8372, 9191, 9194,) and who was brought to this country at the American Counsul's request by another vessel, on whose articles he was formally entered as a member of the crew at a wage of 25 cents a month, was, within Immigration Act Feb. 5, 1917, an "American seaman," so that the ship is liable for a penalty under section 32 of that act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, no 4289 ¼r), only if there was negligence in permitting him to land.—The Santa Elena, 271 F. 347.

An alien resident, who is opposed to the government of the United States, and who publishes propaganda intended to eventually result in or facilitate its overthrow, held subject to deportation under the statute though he does not advocate its immediate overthrow by violence.

Deportation proceedings are reviewable by the courts only on habeas corpus, and such review extends only to the inquiry whether the powers of the executive have been exceeded.

While the courts may inquire, on habeas corpus as to whether deportation proceedings have been fair, the rules of evidence do not in strictness apply, and the hearing though it must be fair, may be summary and the finding of facts made by executive department is conclusive.—U. S. v. Uhl, 271 F. 676.

The alien wife of an alien husband cannot become a naturalized citizen of the United States.

Under Naturalization Act June 29, 1906, 4 subd. 2 (Comp. St. 4352), requiring a petition for admission to citizenship to be "duly verified," such verification must be made before the clerk of the court or his authorized deputy as is required of the declaration of intention by paragraph 1 of said section.

Service on the district attorney of notice of a motion by petitioner for naturalization held sufficient.—In re Guary, 271 F. 968.

The terms and conditions specified and prescribed by Congress respecting the naturalization aliens must be strictly construed and enforced, and aliens are bound to strictly meet and conform to such terms and conditions.—Ex parts Eberhardt, 270 F. 344.

The deportation of an alien who is found in the country in violation of law (Act Feb. 5, 1917, 19, as amended by Act Oct. 16, 1918 (Comp. St. Ann. Supp. 1919, 4289 ¼ b (i)., or of the condition prescribed by Congress either as to his right to be admitted or his right to remain, is valid.

Any alien complaining in court of proceedings for deportation or a deportation order must show that the officers conducting the proceeding were guilty of manifest unfairness or abused the discretion committed to them; otherwise the order of such executive officers, within the authority conferred by statute, is final and conclusive.—In re Kosopud 272 F. 330.

The claim of a neutral alien, who had declared his intention to become a citizen, to an exempt classification under the Selective Service Act (Comp. St. 1918, Comp. St. nn. Supp. 1919, 2044a-2044k), on the ground that he was still a citizen of his native country and obligated and willing to serve in its army if called, and his securing such exemption, though it was not authorized by the statute, held to operate as a withdrawal of his declaration of intention, which could not thereafter be made the basis of a petition for citizenship.—In re Trachsel, 271 F. 779.

A Chinese person who was temporarily admitted under bond and who thereafter engaged in mercantile business did not thereby acquire the right to have a judicial settlement of his right to remain which is accorded to resident Chinese persons, but not to those seeking admission who are subject only to executive orders.

Where a Chinese person was temporarily admitted on bond pending determination of his right to enter, his liability to deportation thereafter is to be determined by his status at the time of admission. Ex parte Wu Kao, 270 F. 351.

Congress has the right to exclude or deport aliens, in its discretion, as an inherent right of sovereignty.

Under Act Feb. 5, 1917, 19 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼jj), providing that any alien employed by, in or in connection with any house of prostitution shall be deported and that the provisions of that section, with the exceptions there in noted, shall be applicable, irrespective of the time of the alien's entry into the United States, the five-year limitation on the deportation of certain classes of aliens does not apply to one employed by, in or in connection with a house of prostitution.—Ex parte Gin Kato, 270 F. 343.

On habeas corpus by an alien, ordered deported by the Department of the Interior, the finding of the department is binding upon the court, if there is any competent evidence, however slight, to sustain it.—Ex part Ah Sue, 270 F. 356.

Criticism by a naturalized citizen of German birth of the "slam bang" methods of Americans in connection with the war, and his refusal to believe stories concerning German soldiers killing and mutilating children, held not necessarily disloyalty requiring cancellation of the naturalization order and certificate.

It is not necessary that a naturalized citizen be shown to be guilty of treason, in order to show that he is not and has not been loyal, or attached to the country and its principles and devoted to its welfare, so as to justify the cancellation of his naturalization certificate.

That an alien may not fully realize at the time of his naturalization that his desires are stronger for his native country than for his adopted country renders it none the less a legal fraud for him to fail to disclose his true, though latent, feeling in the matter.—U. S. v Herberger, 272, F. 278.

A native-born Filipino on application for naturalization under Act May 9, 1918, 4, subd. 7 (Comp. St. 4352), must present "the required declaration of intention," which must have been made not less than two years prior to his application. In re En Sk Song, 272 F. 23.

The prior admission by the immigration officials of the father and two brothers of a Chinese applicant on the ground of citizenship held not an adjudication which precluded a reconsideration of the question of the father's citizenship on his application. White v. Chan Wy Sheung, 270 F. 764.

Mississippi.

A proceeding to recover property which has been seized under a distress for rent is essentially defensive in its nature, and an alien enemy, whose property has been seized under a distress for rest, may maintain the statutory proceedings to recover the property, and assert such defensive rights as he may have under the lease. Fronkling v. Berry, 88 So. 331.

New York.

In action by American pledgees of certificates of marine insurance issued by a British insurance company, the insured goods, belonging to a German pledgor, having been captured by the British in the war against Germany prior to the entry of the United States into the war the defense that residents of the United States could not recover from a British corporation under a policy insuring property of a German subject against war risk, where the property was seized by the British in warfare, was untenable, as the insurance company had offices and was authorized to do business in the United States, where the contract was made and where the insurance was payable, so that the contract was governed by American, and not British laws. Guinness v. Phoenix Assur. Co., Ltd., of London, 188 N.Y.S.137.

Where the Swiss consul, on behalf of an alleged widow of a decedent who was a citizen and resident of Germany, filed a petition, proceeding on such petition should be stayed so long as the United States and Germany are at a technical state of war, for until peace is declared an alien enemy, resident of the enemy country, cannot prosecute an action in our courts.—In re Kuntzch's Estate, 187 N. Y. S. 245.

BANKS.

New York.

A bank issuing an irrevocable letter of credit at buyer's request, whereby it agreed to accept drafts attached to bills of lading drawn by seller, was in no way concerned with any contract existing between the buyers and seller, and if buyer rejected goods, the bank's remedy was to sell the goods, and if insufficient was realized thereon to cover its advances, it had recourse to the buyer for the difference, but could not recover from the seller. Imbrie v. D. Nagase & Co. 187 N. Y. S. 692.

COMMERCE.

Texas.

A shipment of cattle originating in Mexico carried to El Paso, Texas, is a foreign shipment, as the cattle were transported through a port of entry, notwithstanding the shipment was carried only a short distance in Texas.—Mexico Northwestern Ry. Co. v. Williams, 229 S. W. 476.

CONTRACTS.

Though the parties to a contract, which by its terms is to be performed in a place other than that in which it is made, are presumed to adopt the law of the place of performance as the law of the contract, the general rule as to contracts is that they are governed as to their validity, as well as to their nature and interpretation, by the law of the place where they are made, unless the contracting parties clearly appear to have had some other law in view.—Gaston, Williams & Wigmore of Canada v. Warner, 272 F. 56.

CORPORATIONS.

Assuming that a foreign corporation was carrying on business in Kentucky, and that its failure to comply with Ky. St. 571, prevented it from enforcing a contract for the purchase of land, it might nevertheless sue to rescind the contract for fraud.

The right of a foreign corporation, doing business in Kentucky without compliance with Ky. St. 571, to sue for rescission of a contract on the ground of fraud, is not defeated by a prayer for reformation as alternative relief.—Goodrich-Lockhart Co. v. Sears, 270 F. 971.

Defendant, a Swiss corporation, manufacturing boots and shoes in Switzerland and France, made a contract for the purchase of leather from plaintiff, a dealer in Pennsylvania, delivery to be made f. o. b. cars Philadelphia. A director of defendant came to Philadelphia as a witness in a suit by defendant there pending, and while there, under authority from defendant, in failing to adjust a controversy with plaintiff refused on behalf of defendant to accept deliveries under the contract. He also transacted business with other dealers, and, while there, was served with summons in an action by plaintiff against defendant on the contract. Held, that his acts constituted a doing of business by defenadnt in the state, which subjected it to the suit in the federal court in that jurisdiction, and that the service was good. —Hood. & Co. v. C. E. Bally, 271 F. 517.

Alabama.

Service of process on the president of a foreign corporation while temporarily sojourning in the state did not avail as a personal service on the corporation, and therefore could not support personal judgment against it, the corporation doing no business in the state, and the president not being there to do any business for it. Hass-Phillips Produce Co. v. Lee & Edwards, 87 So. 200.

One transaction by a foreign corporation within the state will constitute a "doing of business," within the meaning of the statute requiring certain steps before such corporation is qualified to do business in the state.

Contracts made by foreign corporations in Alabama before qualifying to do business in the state in accordance with the requirements of its Constitution and statutes, are void.—Boddy v. Continental Inc. Co., 89 S. W. 294.

Arizona.

A "local agent" within Civ. Code 1913, par. 442, authorizing service of process on the "local agent" of a corporation, and Rev. St. Tex. 1895, art. 1223, providing for service upon the "local agent" of a foreign corporation, is a person representing the corporation in the promotion of the business for which it was incorporated.—Arizona Mut. Auto Ins. Co. v. Bisbee Auto Co., 197 P. 980.

Arkansas.

The taking of an order for law books by traveling salesman of foreign corporation, which was transmitted to the corporation and accepted by it and the books shipped to the purchaser under a contract by which the title was reserved in the foreign corporation until the purchase money was paid, was not the "doing of business in the state," in contemplation of Crawford & Moses' Dig. no. 1826, in view of section 1842; the contract for sale being consummated when the order was accepted at the home office of the foreign corporation in the foreign state.—Coblentz & Logsdon v. L. D. Powell Co., 229 S. 25.

Idaho.

Const. art. 11, no. 10, prohibits a foreign corporation from doing any business in the state without complying with its provisions, requiring such corporations to have one or more known places of business and an authorized agent on whom process may be served, and the amount or volume of the business done is immaterial. Hoffstater v. Jewell, 197 P. 194.

Officers and directors of a foreign corporation, tne right of which to do business in the state has been forfeited for failure to make its annual report and pay its license fee, who, after such forfeiture, acting in their official capacity, direct and execute a trust deed conveying property of the corporation, are estopped from denying the corporate existence of such corporation and from showing that its right to do business had been forfeited at the time of the execution of the trust. Bergs v. Penningson, 198 P. 158.

Kentucky.

A foreign corporation not complying with Kentucky St. no. 571, requiring it, before it shall be permitted to transact or carry on any business in the state, to file a statement giving the location of its office or offices, and name its agent or agents on which process can be served within the state, may not excuse itself from complying with such statute on the ground that the contract involved was but a single transaction, since the statute applies to one transaction as well as several.

Where a foreign corporation without complying with Ky. no. 571, requiring it, before it shall be permitted to transact or carry on any business in the state, to file a statement giving the location of its office or offices and naming its agent or agents on whom process can be served within the state, contracted to purchase timber, such contract was voidable and not void, and where the seller subsequently resold it to defendant, the last sale was in avoidance of the contract, so that defendant was not a technical tort-feaser who could not invoke the statute against it when sued by it.

One selling timber to a foreign corporation is not estopped to question its right to enter into the contract by reason of its failure to comply with Ky. St. no. 571, before doing business in the state, and neither is the seller's privy to whom he resold the timber. E. C. Artman Lumber Co., v. Bogard 230 S. W. 953.

Massachusetts.

Where, in a suit by a stockholder against a foreign corporation and other defendants domiciled in Massachusetts, defendant foreign corporation, if the allegations of the bill are made out, was merely the tool of the other defendants in defrauding plaintiff, and in some form a satisfactory remedy justly may be given, the court will entertain the bill despite the contention that it has no jurisdiction to examine into its internal affairs.—— Raynes v. Sharp, 130 N. E. 199.

Missouri.

The taking of a single conveyance of real estate situated in Missouri and afterward conveying the real estate to another, standing alone, is not "transacting business in the state" within the prohibition of the statute.—Parker v. Wear, 230 W. 75.

New Jersey.

Where defendant corporations were not authorized to and never had in fact transacted any business in this state, service on their officers temporarily in this state on business of their own was abortive.

The jurisdiction of the court over the persons of the defendant foreign corporations is properly raised by motion to quash the writ.—Apgar v. Altonna Glass Co., 113 A. 593.

New York.

Without regard to whether a domiciliary receiver of a foreign corporation has been appointed, the courts of a state in which the corporation has property have jurisdiction to intervene in behalf of stockholders, and through a receivership of the property within the jurisdiction of the court, to preserve the assets of the corporation against waste, unlawful diversion, or mismanagement, and a court had jurisdiction to appoint receivers even though the plaintiff improperly invoked the jurisdiction of the court.—McHarg v. Commonwealth Finance Corporation, 187 N. Y. S. 540.

Oklahoma.

The term of "foreign corporation,' as used in Rev. Laws 1910, no. 4812, providing that the plaintiff may have an attachment against the property of the defendant when the defendant is a foreign corporation or a nonresident of this state, was not used in the same sense as the term "nonresident" so as to mean merely a corporation which might be without the jurisdiction of the court in the sense that a nonresident of the state was out of the jurisdiction, but means a corportion created and existing by the laws of some other state or country.

That Rev. Laws 1910, no. 4665, provides that in certain circumstances the domicile of a corporation created by the laws of another state or country shall be deemed to be in this state does not make it a domestic corporation, but it is still a foreign corporation within the attachment statute (Rev. Laws 1910, no. 4812. —Magna Oil & Refining Co. v. Uncle Sam Oil Co., 196 P. 142.

Texas.

A law of the state to which a foreign corporation had voluntarily subjected itself would necessarily be binding on its shareholders and other creditors, and any one standing in the stead of the corportion.—Philips v. Perue, 229 S. W. 849.

Rev. St. art. 7399, providing for forfeiture of the permits of a foreign corporation for failure to pay the annual tax, is more or less penal in its nature and is not entitled to a liberal or strained construction.

When construed with Rev. St. art. 1314, forbidding suit by a foreign corporation on a contract unless when the contract was mailed it had filed its articles of incorporation, article 7399, providing that a corporation failing to pay its annual franchise tax in advance as required by article 7394 shall thereby forfeit its right to do business and be denied the right to sue or defend in any of the courts of the state, and that in any suit against it on a cause of action arising before forfeiture no affirmative relief shall be granted, the forfeiture of a foreign corporation's permit does not prevent its recovery in an action brought by it before the forfeiture for breach of a contract while it was authorized to do business, though such construction establishes a different rule for foreign corporations as plaintiffs from that applying to them as defendants.—Dveney v. Success Co., 228 S. W. 295.

Rev. St. 1911, art. 1318, declaring that no foreign corporation can maintain any suit or action in any court unless it has procured a permit, etc. does not render void contracts made by a foreign corporation doing business without a permit, but merely prevents the corporation from enforcing any of its right by action.—Temple v. Riverland Co., 228 S. W. 605.

Utah.

The instituting of suits by foreign corporations in the courts of the state does not constitute "doing business" within the state, within Const. art. 12, no. 9, providing that no corporation shall "do business" within the state without having one or more places of business with authorized agents nor without filing a certified copy of articles of incorporation with Secretary of State, nor within Laws 1919, c. 17, providing that foreign corporations, before "doing business" within the state, shall file a copy of articles of incorporation with county clerk of the county in which principal office is situated. — Home Brewing Co. of Chicago Heights v. American Chemical & Ozokerite Co., 198 P. 170.

CUSTODIAN (ALIEN PROPERTY.)

Trading with the Enemy Act Oct. 6, 1917 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, no. 3115 ½a-3115½j), as originally enacted, and as amended by Act March 28, 1918 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ff), Act Nov. 4, 1918 (Comp. St. Ann. Sup. 1919, 3115 ½d), Act July 11, 1919, and Act June 5, 1920, is strictly a war measure, and finds its sanction in Const. art. 1, 8, cl. 11, empowering Congress to declare war and make rules concerning captures on land and water.

Articles 23 and 24 of the Treaty with Prussia, relative to the rights of merchants of either country residing in the other, when war arises, has no application to the seizure by the Alien Property Custodian of stock in a New Jersey corporation beneficially owned by a German corporation.

A New York corporation, not owning or having any interest in shares of stock in a New Jersey corporation standing in it as name, but beneficially owned by a German corporation, neither it nor one of its stockholders can criticize or attack a proposed sale of the stock by the Alien Property Custodian.—Stoehr v. Garvan, 41 S. Ct. 293.

A German partnership had a branch of its business in the United States, in charge of an American partner; other partners being German subjects. Held, that the partnership, as related to the American partner and business, was dissolved, by the declaration of war, but that the American partner had an equitable lien on the assets in the United States for the purpose of having them applied to payment of the firm debts and the liquidation of his interest in the partnership, and that under Trading with the Enemy Act 8 (a), being Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½dd, he was entitled to retain possession of the property and liquidate the business, being responsible to the Alien Property Custodian only for any surplus remaining which would be the property of the enemy partners.—Mayer v. Garvan, 270 F. 229.

The regulations of the War Trade Board dated July 14, 1919, as amended July 20, 1919 do not cover property which before July 14, 1919, had been reported to the Alien Property Custodian, or which he had received to be delivered to him.

In view of Rev. St. no. 914, (Comp. St. no. 1537,) while a proceeding by libel by the Alien Property Custodian to recover possession of property under Trading with the Enemy Act, no. 917 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, no. 3115 ½e, 3115 ½i,) is an action at law, for the determination of questions of law on the pleadings, libelant is as much entitled to avail of admissions in the answer as he would be in admiralty.—Garvan v. $25,000 Canada Southern Ry. Co. 5% Bonds, 270 F. 217.

Where proceeds of a life insurance policy payable to insured's brother, a citizen of Hungary, had been paid to the Alien Property Custodian, in suit against the Custodian under Trading with the Enemy Act (Comp. St. 1918, Comp. St Ann. Supp. 1919, no. 3115 ½e), by one who claimed such proceeds on the ground insured had changed the beneficiary in the policy by substituting plaintiff for insured's brother, the brother was entitled to notice; but, his whereabouts being unknown, except that he was last supposed to be in Hungary, the court would order notice printed four times at weekly intervals in some paper in Buda-Pest and the next largest city in the then existing republic, advising him that he must file his appearance within 6 weeks of the last publication, this being the best possible substitute for actual notice.—Lovinger v. Garvan, 270. F. 208.

Under Trading with the Enemy Act, no. 17, (Comp. St. 1918, Comp. St. Ann. Supp. 1919, no. 3115 ½i), a District Court may proceed on the petition of the Alien Property Custodian to compel delivery of property alleged to belong to an alien enemy, and a formal bill in equity is not required.

Section 7c of the statute (Comp. St. 1918 Comp. St. Ann. Supp. 1919 no. 3115 ½i,) makes mandatory delivery of property to the Alien Property Custodian on his demand and in a proceeding to enforce such demand his determination under authority delegated by the President cannot be controverted.

So long as the Alien Property Custodian is exercising his powers under the authority of Congress, a court, in a proceeding to enforce his demand for delivery of property, cannot take into consideration the fact of the Armistice or that peace with Germany has been signed by other nations.—In re Garvan, 270, F. 1002.

New York.

In action by American pledgees of certificates of marine insurance by a British insurance company, the insured goods, belonging to a German pledgor, having been captured by the British in the war against Germany, the contention that the action could not be maintained, because the pledgee would recover the full amount of the insurance certificates, and that any part thereof exceeding the amount of the goods secured by the pledge would be recovered in behalf of the German pledgor, stated no defense, as any aid and comfort to the enemy from such recovery could be prevented by exercise of the Alien Property Custodian's right to take and hold the proceeds of the recovery until declaration of peace.—Guinness v. Phoenix Assur. Co., Ltd. of London, 188 N. Y. S. 137.

A petition by the Swiss consul, in charge of German interests, on behalf of an alleged widow of a decedent who was a citizen and resident of Germany, must be deemed a special proceeding, within Trading with the Enemy Act, 7, subd. "b" (Comp. St. 1918, Comp. St. Ann Supp. 1919, 3115½d). In re Kuntzsch's Estate 187 N. T. S. 245.

COURTS

Wisconsin.

Property in the state which a foreign corporation is required to have by St. 1919, no. 2637, subd. 13, in order to make valid service of process on it in this state in an action by a nonresident, must be of some substantial nature, and mere ownership of office supplies used by a soliciting agent in connection with his duties is not enough to give the court jurisdiction of an action begun by service on such agent.—In re Inland, Steel Co., 182 N. W. 917.

DEATH.

Notwithstanding Acts. 35th Leg. (1917) c. 156 (Vernon's Ann. Civ. St. Supp. 1918, art. 7730½,) as to situs of suits based on torts committed in foreign states and countries, a widow cannot sue a railroad in Texas for the death of her husband in a crossing collision in New Mexico, under Code N. M. 1915, no. 1820, providing that whenever any person shall die from any injury occasioned by the negligence of any servant while managing a train the employer shall forfeit and pay the sum of $5,000, since the recoverable sum is allowed as a penalty.—Clay v. Atchison. T. & S. F. Ry Co., 228 F. 907.

DIVORCE.

Alabama.

Where a decree of divorce awarded custody of a minor child of the marriage to the mother, allowing the father the right of visitation and permitted her to remarry, the fact that the mother remarried and on second marriage left the jurisdiction, removing the child to her domicile in another state, does not amount to contempt which would prevent the mother from being heard on the father's petition for modification of the original decree. Ex parte Vaughn, 87 So. 792.

Colorado.

A judgment of divorce, obtained by a husband in a foreign state upon constructive service alone, is no bar to a proceeding by the wife to obtain alimony.—Davis v. Davis, 197 P. 241.

Kentucky.

Divorce suit of a nonresident husband was properly dismissed. Workman v. Workman, 229 S. W. 379.

Where a husband abandoned his wife in another state and moved to Kentucky, and the wife continued to live in the state of their former domicile, the wife could not sue for divorce in Kentucky under Ky. St. no. 2120, requiring the party bringing the action to have been a continuous resident of the state for one year on the theory that she had a constructive domicile in Kentucky because of the husband's residence there.

After the delictum giving a right to a divorce, either spouse may acquire a separate residence or domicile, and the right to maintain divorce proceedings is governed by the local law of the acquired residence or domicile.—George v. George, 228 S. W. 408.

Missouri.

Evidence that a husband went to another state for the purpose of procuring a divorce, and remained there only long enough to accomplish his purpose, to do which he was compelled to introduce evidence that he was a resident of that state, held to show that the foreign divorce was obtained by actual fraud, which went to the jurisdiction of the court, so that such judgment does not require the vacation of a previous judgment in favor of his wife for separate maintenance. Wagoner v. Wagoner, 229 S. W. 1064.

New York.

Where a court of another state, in rendering divorce decree for wife, adopted separation agreement as a part of decree, with respect to alimony and the support of the children, the husband, being sued in New York for accrued alimony, could not defend on the ground that the wife had violated separation agreement, which had become a part of the decree, thus relieving him from liability for alimony, without first having applied to the court of the other state for relief therefrom on such ground his failure to apply to court of other state for relief therefrom on such ground; his failure to apply to court of other state constituting a waiver of the objection.

That court of another state, in rendering divorce decree for wife, reserved the power to modify or annul the provisions as to alimony and support of children in wife's custody, did not preclude wife from bringing action in New York for accrued alimony, since such reservation in the decree did not empower the court of the other state to modify it with respect to accrued alimony, but merely as to payments to accrue subsequent to application for modification. Van Horn v. Van Horn, 188 N. Y. S. 98.

Where a husband and wife lived in New York when they were married, the wife deserted the husband and lived apart from him, though he contributed to her support, and later the husband moved to New Jersey, lived there for a time, and then went to Nevada, where his business took him, and he did not go merely to acquire residence there in order to bring action for divorce, the divorce obtained by the husband in Nevada was valid, and his first wife cannot maintain action for divorce, based on his relations with a second wife after the Nevada decree. Hatch v. Hatch, 187 N. Y. S. 586.

DOMICILE.

Indiana.

In the absence of desertion, the domicile of an illegitimate child is that of the mother, who as its natural guardian, has the natural right to custody.—Glansman v. Ledbetter, 130 N. E. 230.

Iowa.

Every person under all circumstances and conditions must have a domicile somewhere.

Domiciles may be divided into three general classes, "domicile of origin", which is the domicile of a person's parents at the time of his birth, "domicile of choice," which is the place which a person has elected and chosen for himself to display his previous domicile, and "domicile by operation of law," which is the domicile which the law attributes to a person independent of his own intention or residence.

Generally a person can have but one domicile at the same time for the same purpose, especially for the purpose of descent of personal property.—In re Jones' Estate, 182 N. W. 227

New Jersey.

Where a wife before her marriage lived part of the time in Atlantic city, where she was in business, and part of the time in Philadelphia, and after the marraige the husband and wife followed the same practice, it was the husband's legal right to select which residence should be the family domicile, though the wife had previously selected another domicile, and though the husband selected the jurisdiction in which the laws of inheritance would favor him in case of his wife's death. In re Paullin's Will, 113 A. 240.

Virginia.

Where an insane person's domicile was clearly in New York, at the time of her commitment to a hospital in Virginia, her domicile remained in the former state, notwithstanding her presence in the other, unless changed by some competent or authorized person or tribunal, since she lacked the mental capacity to make such change.

Any power to change the domicile of an insane person, which must be independent of such person's own will, must be found in her committee or the courts having jurisdiction of her person. Commonwealth v. Kernochan, 106 S. E. 367.

EXECUTORS AND ADMINISTRATORS.

Oregon.

The right of an assignee of a note to sue therein in the state is not affected by the fact of the assignor's being a foreign administrator.—Grignon v. Shope, 197 P. 317.

Texas.

In action by intestate's creditor against nonresident administrator, heirs, and heirs' grantees to foreclose creditor's lien under Vernon's Sayles' Ann. Civ. St. 1914, arts. 3391, 3456, after such land had been sold by heirs to such grantees, judgment was not objectionable as a judgment against a foreign administrator, being a judgment in rem for the purpose of foreclosing the lien.

An administrator is the agent of the court in the jurisdiction where he is appointed, and is not subject to the jurisdiction of the courts of other state unless he voluntarily appears and submits to its jurisdiction.—Faulkner v. Reed, 229 S. W. 945.

FOREIGN EXCHANGE.

New York.

Where defendant trust company undertook to establish by mail a credit for plaintiff, a resident of Germany, within a reasonable time, to the extent of the equivalent in German exchange of $750, but defendant trust company, by reason of war conditions, failed to perform, plaintiff is entitled to have a return of the consideration with interest; her recovery not being limited to the present value in United States currency of the marks purchased.—Pfotenhauer v. Equitable Trust Co. 188 N. Y. S. 464.

Where defendant bank sold to plaintiff a cable transfer of 7,000 marks to plaintiff's relative in Poland, the money paid became at once the property of the bank, which was under obligation to plaintiff to pay the agreed equivalent in foreign exchange of the amount received by it to the payee named in the cable transfer.

Where the Polish marks represented by a cable transfer sold plaintiff by defendant bank were never delivered, defendant bank's liability cannot be avoided by the provision in the cable transfer that no liability should attach for any loss or damage in consequence of delay or mistake in transmitting the message, etc.

Where defendant bank sold plaintiff a cable transfer of Polish marks, and payment could have been effected to the payee in Poland at all times subsequent to the purchase of the transfer, defendant bank's liability for failure to deliver is not avoided by the provision of the cable transfer that, if payment for any reason could not be effected, the bank would not be liable for any sum in excess of the current market value in New York at the time of refund.—Safian v. Irving Nat. Bank, 188 N. Y. S. 393.

FOREIGN LAW.

On libel by the crew of a Norwegian vessel for salvage against their own vessel the law of Norway applies, and under that law the crew cannot recover salvage.—The Superior, 270 F. 283.

Missouri.

Where a party to a suit relies on the law of a foreign country or of a sister state, for his right of action or defense, he is required to state in his pleading what the law of the foreign jurisdiction is and prove the same.—Gersman v. Atchison T. & S. F. Ry. Co., 220 S. W. 167.

INSURANCE.

Kansas.

Service of process upon the superintendent of insurance in a suit for malicious prosecution against a foreign insurance company held sufficient to bring the company into court, notwithstanding that authority to do business in the state under Gen. St. 1915 5213, had been revoked by the insurance department previous to the commencement of the malicious suit.—Buchanan v. Iowa State Live Stock Ins. Co., 196 P. 249.

JUDGMENT

Louisiana.

In view of Civ. Code, art. 3326, a record of a foreign judgment should not have been made, and could not have the effect of a mortgage, without a decree of a court of this state recognizing and making it executory.—State ex rel. Macheca v. Dunn, 87 So. 236.

Massachusetts.

A judgment obtained in another state against an ancillary administrator cannot be enforced against domiciliary administratrix; there being no privity between the two adminstrators.

A judgment of a sister state does not bar those who are neither parties nor privies to it, when suit is brought on it in this state.—Leach v. Leach, 130 N. E. 262.

New York.

A decision of a court in another state that an action was one in rem and that an adjudication on published summons would be valid is not binding adjudication on the courts of this state upon jurisdictional facts, and the judgment will not be held valid in the absence of facts required for jurisdiction.—Hanna v. Stedman, 130 N. E. 566.

JURISDICTION.

Kansas.

Where a locomotive at or near the Kansas-Oklahoma state line sets fire to property in Oklahoma, the cause of action arises in Oklahoma; and it is immaterial whether the engine was in Kansas, or on the state line, or in Oklahoma, when the escaping sparks from the engine set fire to the property.—Otey v. Midland Valley R. Co., 197 P. 203.

New Jersey.

International union composed of representatives of local unions, one of whose functions is to lend aid and assistance by advice, moral support, and money to local unions engaged in a justifiable strike, cannot be permitted to come into New Jersey, having its headquarters in another state, to advise with striking employees, and to aid and assist them, without rendering it and its agents amenable to the process of the courts of New Jersey.—Gilchrist Co. v. Metal Polishers, Buffers & Platers Local Union No. 44 of Metal Polishers International Union, 113 A. 320.

MARRIAGE.

Vest Virginia.

If one under the age of consent according to Code 1913, . 64, 2 (Sec. 3637), goes into another state and marries one esiding there, the law of the place of the marriage governs, nd in such case section 3 of said chapter (sec. 3638) has no pplication justifying annulment of the marriage on ground herein provided.—Perkey v. Perkey, 106 S. E. 40.

PATENTS.

A corporation organized under the laws of Michigan is a listinct entity in law from a French corporation, though all its tock was owned either by the French corporation or by tockholders thereof, so that such foreign ownership does not iffect the right of the Michigan corporation to pay royalties or use of a patent to the French corporation as operating expenses, when sought to be enjoined on a decree against it or infringement—Zenith Carburetor Co. v. Stromberg Motor Devices Co., 270 F. 421.

SALES.

A contract of sale, which in connection with the price employs the term "f.o.b." at a given point, does not require the seller actually to deliver the goods at indicated point.—Pond Creek Mill & Elevator Co. v. Clark, 270 F. 482

SEAMEN.

Immigration Act, 32 (Comp. St. 1918 Comp. St. Ann. Supp. 1919, 4289 ¼r), imposing on a vessel liability for hospital expenses of alien not entitled to admission, who is afflicted with a contagious disease and is temporarily admitted for treatment, does not make the vessel liable for medical treatment of an alien employed on board the vessel as mate.

Immigration Act, 35 (Comp. St. 1918 Comp. St. Ann. Supp. 1919, 4289 ¼ss), making it unlawful for a vessel carrying passengers from a foreign port to have employed on board one afflicted with contagious disease which could have been discovered before sailing, does not impose liability on a vessel of American register not engaged in carrying passengers for the hospital expenses of its alien mate, made necessary by a contagious disease which manifested itself after the vessel left Porto Rico for a United States port.—The Coniscliff, 270 F. 206.

SHIPPING.

A vessel held not immune from foreign attachment in a suit in personam against the owner, because she was at the time under requisition by and in the actual possession of the Italian government.—Maru Nav. Co. v. Societa Commerciale Italiana Di Navigation 271 F. 97.

TAXATION.

Louisiana.

Within Revenue Law 1898, 7, providing for assessment of mercantile firms, and stating that it shall apply to persons representing in the state business domiciled elsewhere, and that bills receivable arising from business done within the state are assessable within the state· the last clause, limiting assessment of bills receivable to those arising within the state, applies only in the case of business domiciled elsewhere, and the statute authorizes the assessment against a domestic corporation of bills receivable resulting from transactions outside of the state.—Krauss Bros. Lumber Co. v. Board of Assessors, 88 So. 397.

New York.

Where decedent's father, a resident of Pennsylvania, bequeathed personality to trustees, directing that the income be applied to decedent's use for life, and, if she died without issue, the corpus of the trust fund to be paid to such persons as decedent by any instrument in the nature of a last will should direct, and the trustees of the father's estate paid to the executors of descedent's will in New York, decedent being a resident of New York, the property constituting the trust fund held by them, and the executors of decedent's will distributed such property to the various legatees in accordance with her will, the right of such legatees to succeed to the property was derived from the will of decedent, and on such privilege the state of New York can impose a tax.—In re Frazier's Estate, 188 N. Y. S. 189.

Business of citizen and resident of Connecticut, without a home, permanent or temporary, in the state of New York, who, as a cotton goods merchant, had an office and place of business in the city of New York, where he handled orders for cotton goods procured by his salesmen in foreign cities, held carried on within the state of New York within Tax Law, 351, imposing tax on income of a nonresident from all property owned and from a business carried on in the state.—People ex rel. Stafford v. Travis, 187 N. Y. S. 311.

Tax Law, 220, Subd. 2, taxing transfer, by will or intestate law, in case of a nonresident decedent, of shares of stock in a corporation wherever incorporated, in such proportion as the value of the corporation's real estate located in the state bears its value of its entire property, is a valid exercise of the taxing power, though the corporation be foreign, whether or not the stock certificate be in the state at decedent's death.—In re McMullen's Estate, 187 N. Y. S. 248.

Where decedent, a resident of New York state, by a will executed in that state, made an appointment which transferred a fund situated in Pennsylvania under power created by the will of a resident of the state, the transfer is taxable in New York.—In re Seaman's Estate, 187 N. Y. S. 254.

TREATIES.

California.

A nonresident alien, a subject of Italy, was entitled to receive real estate by devise under a treaty between the United States and Italy in which what is known as the "most favored nation" clause appears, the treaty overriding Const. art. 1, 17 amended in 1894, if in conflict, or any state statute.—In re Turner's Estate, 196 P. 807.

Kansas.

In an action for compensation by the dependents of a workman, who were unnaturalized natives of Italy, but residents of Kansas, it was contended that the quoted statute providing that the compensation be awarded to non-citizens resident in this country shall be for a less amount than shall be given to citizens of this country, it is held that the statute is repugnant to the letter and obvious intent of the treaty between the United States and Italy entered into in 1913, and the limitation is therefore not enforceable.—Vietti v. George K. Mackie Fuel Co., 197 P. 881.

WILLS.

Mississippi.

A will made and probated in a foreign state has no effect as a conveyance as to property in this state until the same is probated, but when probated will relate back to testator's death and be given effect unless the property has been acquired in good faith for value by a person without notice of the existence of the will.—Belt v. Adams, 87 So. 666.

North Carolina.

Probate of a will in Maryland, insufficient under the law of North Carolina because only one or two witnesses testified, was cured by the curative act. Pub. Loc. Laws (Ex. Sess.) 1913, c. 142, as to an heir, who had no vested interest at the time of the ratification of the act.—Sluder v. Wolf Mountain Lumber Co., 106 S. E. 215.

NEW LAWS AND REGULATIONS.

AUSTRIA.

Transfer of Corporations to Foreign Countries.

A decree of the National Council authorizes Austrian joint-stock companies to transfer their business to foreign countries provided sufficient reason can be shown. The company proposing such a transfer must agree to maintain a branch in Austria and to continue to devote the same amount to its operation as was involved before the change.

Tax on Foreign Money, Bills, and Checks.

A law which became effective April 1, 1921, provides for a tax on foreign money and foreign bills and checks whether the transaction takes place on the exchange or elsewhere, provided that one of the contracting parties deals in exchange professionally. The minimum tax is 1 crown, but the Minister of Finance is authorized to make certain exceptions. The tax will continue until December 31, 1922.

New Commercial Agreement with Hungary.

The commercial agreement between Austria and Hungary, which went into effect on June 7, 1921, and which may be abrogated at the end of a month on eight days' notice, provides for a freer exchange of commodities between the two countries. Austria undertakes to allow the free exportation of certain grains, legumes, potatoes, various seeds, cattle and other food animals, tartaric acid material, paper, and textile waste.

Each country also allows the importation, without restriction, of certain products from the other country. The Hungarian products admitted into Austria include various fruits, vegetables, and seeds, honey, beer, salami sausage, cotton, flax hemp, jute and silk yarns and manufacture thereof, woolen

goods, felt hats, cement, electrical and other machinery and apparatus. The list of Austrian products admitted by Hungary contains, among others, beer, preserved fruits, coffee substitutes, iron wares, manufactures of alpaca and aluminum, vehicles, typewriters, varnishes, medicines, furniture, fancy leather and paper goods, manufactures of cotton, flax, hemp, jute, and silk, artificial flowers and lingerie.

Furthermore, the new agreement provides that transit traffic, with certain exceptions, is to be free of all customs duties and unnecessary delays. In addition to the articles in the contingent lists, there is to be, to the greatest possible extent, free import and export of partly finished articles for further manufacture.

BELGIUM

Free Commerce in Breadstuffs.

A joint commission comprising three representatives of the grain trade, one of the millers, and three of the Government will fix the weekly price of wheat sold from Government stocks in Belgium after August 20. The Government stocks are to be completely liquidated by January 1, 1922.

Millers are forbidden to produce flour over 75 per cent. bolting. The export of flour will be permissible under license after local demand is satisfied.

BOLIVIA.

Mineral Oil Concession Law.

On June 11 a law relative to mineral oils was enacted. According to this law, concessions are limited to 1,000,000 hectares each (1 hectare-2.47 acres), and 300,000 hectares are allowed for exploration. The terms of concessions are for 55 years, with a royalty of 11 per cent of the total production. The holders of the concessions are required to drill one well of 500 meters for each 50,000 hectares within five years after the granting of the concession. They are required also to drill one additional well three years after for each 10,000 hectares. The taxes upon privately held concessions start at 8 centavos for each hectare during the present year, and then are increased to 50 centavos for each hectare in eight years.

Law Regulating Sale of Drafts.

By Government decree of March 11, 1921, the decree of September 21, 1920, which relieved the exporters of minerals from the obligation of selling drafts on London to the Government equaling 10 per cent of the value of the minerals exported, was repealed. Under the present law 50 per cent of the drafts will be distributed between the Banco de la Nacion Boliviana, Banco Nacional Boliviana, and the Banco Mercantil in proportion to the capital of each. The remaining 50 per cent of the drafts are to be sold at public auction by the Government at the rate of exchange fixed by the Banco de la Nacion Boliviana on the day of the sale. The Government is to make no profit on the sale of drafts at public action. Any profit made from such a sale is to be distributed among the exporters who have sold drafts to the Government. The decree further provided that if the Government purchases the drafts to meet any of its foreign obligations it will be at one-eighth of a penny below the rate that may have been established by the Banco de la Nacion Boliviana. The foregoing decree is not applicable to exports of minerals made by way of the Amazon and Brazil.

BRAZIL.

New Port Regulations.

On June 2, 1921, a law was approved requiring all ships to load and unload their cargoes at the wharves, where such facilities exist, instead of by means of lighters. National merchandise in transit is excepted from this ruling, which may also be waived whenever space is lacking for a vessel to tie up alongside the regular docks, in which case the ship may receive or discharge cargo in the open bay, as was hitherto the custom.

Changes in Budget Law.

Among the changes in the budget law for 1921 which affect foreign interests, either directly or indirectly, are the taxes imposed on the transfer of bonds and other securities, business profits and dealings in futures. The test of these provisions is summarized below:

Article 1, section 38, raises the stamp tax to 1 per cent on the transfer of stocks and bonds and obligations and debentures of stock companies of limited liability. The official quotation of the stock market will be accepted for the value of the stocks and bonds and the nominal value for debentures and other obligations.

As to income tax, instead of the former flat 5 per cent tax, dividends and other returns up to 12 per cent will be taxed 5 per cent and a tax of 6 per cent will be levied on those above 12 per cent, including the following classes: Dividents and all other returns from shares of companies, corporations or partnerships; the interest on shares of companies corporations or partnerships; the net profits of companies of limited liability, whether such companies, corporations, or partnerships have their headquarters in the country or abroad; the net profits of banking houses and of pawn shops; the gifts or bonuses to directors or presidents of companies, enterprises or corporations.

Section 46 provides a tax on net profits from commerce, as verified by the books and not included in the above, of 3 per cent on an amount up to 100,000 milreis; 4 per cent on amounts between 100,000 and 300,000 milreis; 5 per cent on amounts above 300,000 milreis up to 500,000; and 7 per cent on amounts greater than 500,000 milreis.

The basis for the collection of these taxes for the fiscal year 1921 shall include commercial transactions from the date of this law hereafter, even though such transactions may be in connection with commercial operations of the year 1920. Commercial establishments and industries whose annual profits do not exceed 10,000 milreis shall be exempt from this tax. According to section 47, the tax on dealings in futures will be paid half by the buyer and half by the seller. These amounts are determined at 100 reis per sack on coffee, 10 reis per *kilo* on cotton, and 50 reis per sack on sugar.

BULGARIA.

Revocation of Prohibition for Transfer of Concession.

A decree of the Council of Ministers of September 10, 1920, forbidding all transfer of ownership of required mining concessions, factories, mining claims, and all other rights acquired in accordance with the law for the encouragement of local industry, including tobacco, alcohol, distilleries, and breweries has now been revoked by decree 22 of this Council.

Decisions Regarding Foreign Insurance Companies.

By a recent decision of the Council of Ministers it was declared that the Minister of Commerce, Industry, and Labor shall be authorized to enter into negotiations with foreign insurance companies which have insured Bulgarian subjects and persons living in Bulgaria and which may wish to discontinue such insurance in the future. These negotiations shall have as their object the taking over of the insurance policies of foreign companies in order to create a State insurance monopoly, or to turn the same over to Bulgarian insurance companies on conditions which fully safeguard the insured party as well as the interest of the country itself.

State Monopolies.

Matches, cigarette papers and playing cards have recently been taken over by the Government monopolies. A special commission is studying the question of creating a State monopoly of oils.

International Postal Rates.

The new international postal rates that went into effect on March 1, 1921, are fixed as follows: (1) For letters up to 20 grams, 1 lev 50 stotinki and for each additional unit of 20 grams or fraction thereof 75 stotinki. (2) Post cards, 1 lev. (3) Printed matter of all kinds, for each unit of 50 grams or fraction thereof, 30 stotinki. (4) Documents, for the first 50 grams, 1 lev 50 stotinki, and for each additional unit of 50 grams, 30 stotinki. (5) Samples, for the first 50 grams, 60 stotinki. (6) Registered mail, 1 lev 50 stotinki. (7) Return receipt, 1 lev 50 stotinki.

CANADA.

Pure Food and Drugs.

By an Order in Council, the Governor General has deferred until January 1, 1922, the operation of the amendment of the pure food and drugs act, which provides that foods shall be deemed misbranded if, when in package form, sealed by the manufacturer or producer, they do not contain on the outside of the package the name and address of the manufacturer or producer and the correct particulars regarding the contents in terms of weight, measure, or number when the package and contents exceed 2 ounces.

CHINA.

Parcel Post Insurance Discontinued to the United States.

The Swatow Chinese Post Office, has issued the following notice: "The public is hereby informed that the French services are now unable to accept parcels for onward transmission to the United States and therefore no insured parcels for the United States will be accepted by the Chinese Post Office."

COSTA RICA.

Resumption of Gold Payments.

A bill has been passed by the Congress stipulating that gold payments shall be resumed by private banks of emission on their currency in circulation. In September, 1917, all banks were relieved of the obligation to redeem currency in gold coin.

The new law also provides for the redemption and incineration of Government silver certificates issued prior to June 23, 1917, and now in circulation, and stipulates that they shall be received at the custom houses in payment of duties at the rate of 46.5 cents American gold money. These certificates will be valid only six months from April 1, 1921.

The currency issues of the Banco Internacional de Costa Rica the Government bank, are exempted from the gold-conversion clause. This currency is made legal tender for the payment of all obligations.

DANZIG.

Free Sale of Lard.

The authorities, on February 10, 1921, removed all regulations concerning the official administration of domestic and imported lard.

Suspension of Tonnage Dues.

The following proclamation has been published by the President of the United States on May 6, 1921:

Whereas satisfactory proof has been given to me by the Government of the Republic of Poland that no discriminating duties of tonnage or imposts are levied or imposed in the waters of Poland or the Free City of Danzig upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in such vessels from the United States, or from any foreign country:

Now, therefore, I, Warren G. Harding, President of the United States of America, by virtue of the authority vested in me by Section four thousand two hundred and twenty-eight of the Revised Statutes of the United States, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Poland and the vessels of the Free City of Danzig, and the produce, manufactures, or merchandise imported in said vessels into the United States from Poland or the Free City of Danzig, or from any other foreign country, the suspension to take effect on and after the date of this Proclamation and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

ECUADOR.

New Rate for Exchange.

The official exchange rate on New York as from March 16 is fixed for 2.60 sucres to the dollar. Rates on all other countries are in proportion. The former legal exchange rate on New York was 2.13 sucres to the dollar.

EGYPT.

Suez Canal Tolls.

The management of the Suez Canal announces a reduction of 25 centimes in the canal tolls beginning October 1, 1921, after which date the tolls will be 8 francs per net ton on ships with cargo and 5 francs 50 centimes on ships in ballast.

Direct Parcel-Post Service with the United States.

A direct, sealed parcel-post service has been inaugurated between the United States and Egypt, according to a recent announcement by the Egyptian Postal Administration. Under the new arrangement the mails are closed in Egypt or the United States, as the case may be, and are simply reshipped, via London, by the British service without being opened before the final destination is reached. As a result of the new system, parcels originating in Egypt for the United States are from 20 to 25 days in transit instead of 30 to 45.

ESTHONIA.

Postal and Telegraph Convention With Russia.

See "Russia" below.

FINLAND.

Changes in Patent Law.

Finland's patent law of January 21, 1898, has recently been amended in certain important respects. Under the amended law a patent is granted for 15 years and the patentee has a right to apply for a supplementary patent. The patentee pays an annual fee amounting to 30 marks for the first year and gradually increasing up to 300 marks for the last two years. If the patented article does not come into general use in Finland but attains popularity abroad, the patentee must make provisions for its sale in Finland at a reasonable price. If he neglects to do this the court may annul the patent, but not before the expiration of three years from the date of issuance and only in case the patentee fails to show a satisfactory reason for his neglect.

FRENCH EQUATORIAL AFRICA.

Regulations for Petroleum Concessions.

A decree dated March 5, 1921, published in "Le Journal Officiel" of March 8, regulates the granting and operation of petroleum concessions in French Equatorial Africa and in French Kamerun.

GREAT BRITAIN.

Parcel Post Regulations.

Announcement was made on March 22, 1921, by the Postmaster General that it has recently been found necessary to restrict the value of any single parcel of jewelry sent by the foreign and colonial parcel post to the maximum amount for which a parcel can be insured with the post office in the service to the country concerned: if there is no post-office insurance system, the maximum value is fixed at 400. The limit of insured value for India is 120 per parcel. This restriction is necessitated by the occurrence of a number of thefts of parcels of jewelry of high value from foreign mails. The parcel post is not intended for or adapted to the carriage of parcels of very high value, for which proper safeguards can not be provided except at a cost not warranted by the low rates charged for post-office parcels.

New Postal Rates.

The Postmaster General announced on May 24 that, commencing on June 13, the following increases of postal charges would come into operation:

Letters.—Foreign rate raised for 2 ½d. to 3d. per ounce, but for the dominions and the United States no change will be made from the present 2d. for one ounce although for each additional ounce the rate will be 1½d. instead of 1d.

Registered letters.—For both inland and foreign letters the charge for registration will be raised to 3d. as against the present 2d.

Printed papers.—At present the minimum inland rate is ½d. for 1 ounce; on June 13 the minimum charge will be 1d. but 2 ounces may be sent therefore. The foreign rate for 2 ounces will be raised from ½d. to 1d.

Commercial papers.—Foreign minimum rate will be raised from 2½d. to 3d. and a charge made of 1d per 2 ounces instead of ½d.

Samples—Foreign minimum rate doubled from 1d. to 2d. and charge for 2 ounces as in the case of commercial papers.

Postcards.—Rate to be increased to 1½d., for both inland and foreign.

GREECE.

New Cable Rates.

A new schedule of cable rates has been published by the Government. These rates range from 0.24½ drachma for mesages to Bulgaria, Serbia, and Montenegro to 6.20 drachmas for messages to Mesopotamia and 8.34 drachmas to Japan. Rates to California are 4.04 drachmas, to New York 3.64 drachmas, to Pennsylvania 4.04 drachmas, and to Chicago 4.24 drachmas.

New Patent Law.

A new patent law has been recently pasesd in Greece.

Currant Retention Tax.

The retention in kind of currants is fixed at 18 per cent for a total crop of between 120,000 and 130,000 tons.

GUADELOUPE.

Identification Cards for Commercial Travelers.

The French law of October 8, 1919 which states that commercial travelers doing business in French territory shall be provided with identification cards, is applicable not only to France, but her colonies as well. By a decree of the Guadeloupe Government, May 8, 1920, this law was formally applied to this colony. These cards should be secured by commercial travelers from a French consul and certified by him before the salesman leaves for a French colony.

HOLLAND.

Control of Breadstuffs Ended.

Announcement is made by the Minister of Agriculture and Industry that Government control of breadstuffs will end by May 1, 1921.

HUNGARY.

Commercial Agreements with Austria and Poland.

See "Austria" above and "Poland" below.

ICELAND.

State Monopoly on Tobacco.

According to the Icelandic Telegraphic Bureau, the Alting of Iceland has passed a bill providing for a State monopoly on the sale of tobacco.

INDIA.

Regulations for the Government Purchases of Supplies.

The following are the rules by which, the Government of India is required to make its purchases for the public service.

(1) All articles produced in India in the form of raw material or manufactured in India from materials produced in India should, by preference, be purchased locally, provided that the quality is sufficiently good for the purpose and the price not unfavorable.

(2) Subjects to the condition that the price is as low as that at which articles of similar quality can be obtained through the India office, all articles manufactured in India from imported materials should by preference be purchased in India.

(3) Articles not manufactured in India should be obtained by indent upon the store department of the India office unless the articles are already in India at the time of their order and their price and quality are not unfavorable as compared with those at which similar articles could be obtained through the India office. In the case of important construction works, let out on contract, articles not manufactured in India required for the construction of such works may be supplied by the contracting firm provided that the firm is approved by the Government of India.

(4) The following articles, whether manufactured or produced in India or not, should be purchased in India provided they can be obtained at a not unfavorable price. (a) Those of a perishable nature: (b) explosives: (c) block tin. (d) wines and spirits and English bottled beer for the use of Government hospitals in India (e) Kerosene oil; (f) materials for electric installations intended to take current from existing centers and small electric power and lighting plants of not more than 25 kilowatt capacity, which involve the provision of generators and cables for distribution: (g) Australian timber: (h) Australian copper: (i) Italian marble: (j) British Columbian timber: (k) plant and materials for small gas installations; (l) cheap articles in common use required in small quantities only: (m) such other classes of articles as may from time to time be prescribed by the Government of India.

A number of Government officers are authorized to obtain direct from manufacturers or dealers in England, America, Japan, or other foreign countries such articles as they may require for experimental or research purposes.

ITALY.

Increase in Postal Rates.

According to statements appearing in the public press on January 24, 1921, a decree was approved on that date by the council of ministers providing for an increase in postal rates, both foreign and domestic, as well as increases in telegraph and telephone rates.

Foreign rates are revised as follows: Letters, from 0.25 to 0.60 lira; post cards with paid answers, from 0.25 to 0.80 lira; registered letters, from 0.40 to 0.60 lira.

The supplementary tax on foreign telegrams sent from Italy will be increased from 300 per cent, the present level, to 350 per cent, effective March 1, 1921.

Removal of Exchange Restrictions.

The Government has decided to abolish immediately all restrictions on foreign exchange transactions. The activity of the National Institute of Exchange will be limited to securing exchange for Government payments.

Foreign Banks in New Territory.

La Gazzetta Ufficiale of April 28 sets forth the regulations governing the opening of branches of foreign banks in Provinces acquired by Italy as a result of the war. An office of a non-Italian bank may be opened in this territory only by permission of the Ministry of the Treasury. The application for this permission must be accompanied by a copy of the act by which the bank was incorporated, and also by a statement of the capital which is to be employed by the proposed branch or branches in Italy. The officers, directors, and managers of the proposed branches must be named at the time of making applications.

Abolition of Commercial Monopolies.

The commercial monopolies have been abolished by a decree published July 6, 1921. The monopoly on coffee, coffee substitutes, and electric lamps was abolished in April, 1921. Manufacturing taxes will replace the monopoly rights on coffee substitutes, electric lamps, and matches, with a stamp tax to replace the monopoly on playing cards.

Food Ministry Abolished.

A decree of July 14 abolished the Italian Food Ministry and consolidated its three divisions under one head in the Ministry of Finance for the purpose of disposing of all unfinished business.

JAPAN.

New Trade-Mark Law.

The new trade-mark law of Japan provides for the registration fee of 30 yen, which covers a period of 20 years, with a renewal fee of 50 yen. (Yen equals $0.4085.) A collective trade-mark may be registered by an organization of persons in the same business, or by business men intimately connected, with the object of promoting the common business interests of the members of the organization. The registration fee for collective trade-mark is 100 yen, with a renewal fee of 150 yen.

A trade-mark is canceled when not used in the Empire for a year after registration, or when its use has been suspended for a period of 3 consecutive years. The trade--mark right in a trade-mark which has been registered as a foreign trade-mark is terminated when the trade-mark right in the home country is terminated. Penalties are provided for fraudulent use of trade-marks.

LATVIA.

Postal and Telegraph Convention with Russia.

See "Russia" below.

Increase in Railway and Postal Rates.

The government announced further increases in postal and railway rates. On the railways the passenger rate has been increased 50 per cent and the freight rate 100 per cent. The postal rates have been approximately doubled; the foreign rate is now 10 rubles per twenty grams, first class matter and domestic rate is raised to 5 rubles; local first class mail now cost 2 rubles per 20 grams.

Exchange Operations Require Permit.

A recent law by the Constituent Assembly provides that exchange operation can not be carried on as a business except by special permission of the Minister of Finance. Banking institutions which are authorized by their charter to engage in business of this nature are exempt from this provision of the law.

All exchange operations are subject to the following tax: Exchange operations by banks, one-quarter per cent; by exchange offices, 1 per cent; by private parties, one quarter per cent.

Foreign Insurance Companies Prohibited.

By a decree dated March 7, 1921, issued by the Minister of Finance, foreign insurance companies are prohibited from carrying on operations in Latvia.

LUXEMBURG.

Government Control of Breadstuffs to End.

Announcement is made by the Government of Luxemburg that it will be able to dispose of its stock of grain purchased in the United States for the people of the Grand Duchy by next August, and that at that date Government control of the supply of breadsuffs will cease.

MEXICO.

Moratorium Regulations in Yucatan.

The moratorium law was passed by the legislature of Yucatan on February 26, 1921. The law in brief provides that payment of principal and interest on all debts contracted before February 26, 1921 shall not be collectible until March 1, 1922: that obligations shall pay not over 6 per cent interest without regard to the amount of interest contracted for. Further more, the law states that the moratorium shall not apply to Federal, State, or municipal taxes; nor to debts in behalf of schools and charitable institutions; nor to amounts due laborers, public or private employees, professional men, and teachers for services rendered, etc. Any attempt to collect a debt included in the moratorium shall be punishable by a fine equal to three times the amount of the obligation.

Priority Rights on Patent and Trade-marks.

By a Presidential Decree of June 22, 1921, published in El [illegible]ario Official for June 23, all petitions for recognition of priority rights relative to patent or trade-marks on which the normal terms for registry, fixed by law, have expired, presented by Mexicans or citizens or subjects of foreign countries, shall be granted such recognition during the time that other countries have made reciprocal concessions to Mexican citizens on account of property to which these concessions refer, it being understood that such countries and terms shall be among those included in the decree of October 18, 1916.

The recognition of the priority which emanates from the dispositions dictated or put into effect September 1, 1920, and after this date, can not be validated against the rights of:

The possessors of a patent or of the partial rights derived therefrom, acquired six months previous to the applications for a patent on which priority has to be conceded after expiration of the normal period, and as within a period of three months from the legal date of the patent, provided the possessor had asked for and obtained in favorable acceptance the examination to which Article 36 of the law refers:

Those who, having patent rights, had engaged in Industrial or commercial exploitation (or had made the necessary preparations for same) six months previous to that referred to above, which might remain in conflict with the rights acquired by a patent whose recognition of priority had been made after expiration of the normal time.

Recognition of the priority which emanates under equal conditions to those set forth above, and in virtue of the extension of the time period determined in Article 8 of the Trade-mark Law, can not be validated against the possessors in good faith of an identical or similar trade-mark deposited six months previous to the presentation of the application of registry of the mark by one to whom priority has to be conceded.

New Commission for the Henequen.

El Diario Official of July 18, 1921, publishes a law putting the old Commission Reguladora Del Mercado de Henequen into liquidation and establishing a new Comision Reguladora. The main provisions of its law are as follows:

A moratorium of 10 years is declared on the old Reguladora, whose obligations, bills, tickets, etc, are to be paid equitably and in installments of 10 per cent a year, with 3 per cent interest on deferred payments.

The directors are authorized to deal with and dispose of all assets of the old Reguladora to obtain funds to pay its obligations.

The new Reguladora, which is an official branch of the State government, is to promote the industry by maintaining prices and developing new uses and markets.

PARAGUAY.

New Meat-Packing Law.

A new law has recently been enacted by the National Congress, granting certain privileges and exemptions to meat-packing plants, which either are already established or which may be established. The law will continue in force for five years and provides for the free entry of machinery, tools, fixtures, and other materials necessary for buildings and installations, and materials for packing meat products; exemption from all navigation taxes and port dues and dock dues for the shipment of goods, except when Government docks are used; and exemption from State and municipal taxes.

Inspection of Banks and Corporations.

An important provision in the annual budget of Paraguay for 1921 was that authorizing the President to appoint a commission of inspection for banks and corporations that will have the power to exercise control over such institutions and to propose to the President a law that will regulate them.

PERU.

New Banking Decree.

The Government has issued a decree limiting the annual interest charged on industrial loans to 12 per cent and to 10 per cent on banking loans.

Partial Moratorium.

A Government decree has been issued stating that debts owed banks and banking houses are collectible at maturity in installments of 10, 20, and 30 per cent at expiration of 30, 60 and 90 days, respectively, with renewal of remainder on like terms.

New Customs Regulations.

The Minister of Finance of Peru promulgated a decree on April 20, 1921 reducing the time of deposit of merchandise in the warehouses of the customhouse of Callao to six months. The warehouse charges will be as follows: (a) 1 per cent of the value of the duties for each one of the first two months or fraction thereof. (b) 2 per cent for each of the third and fourth months or fraction thereof: (c) 5 per cent for each of the fifth and sixth months or fraction thereof.

These regulations will be effective for all goods entering the warehouses on or after May 1, 1921.

New Mining Regulations.

Two regulations governing mineral concessions have recently been enacted in Peru. One of these decrees prohibits the granting of any petroleum concessions until after the National Congress passes the new petroleum law which is pending, as the present regulations may impede the enforcement of the provisions of the new law. The other decree governs the denouncement of mine concessions in the districts contiguous to those of Huancane.

POLAND.

Regulations for Transit of Foodstuffs.

Polish Government will permit free commerce and transportation through Poland of all agricultural products except sugar and spirits. All restrictions against the importation of food products of prime necessity are abolished, except for fiscal and customs regulations. The exportation of foodstuffs and their by-products beyond State boundaries is forbidden, except at such times as Poland may have an exportable surplus.

Foreign Postal Tariff.

The official Government journal, Monitor Polski, publishes new postal rates for Poland, in which is included the following schedule for foreign postage:

Letters: Below 20 grams—10 marks; Each additional 20 grams —6 marks; Post cards: Single—4 marks; With answer—8 marks; Printed papers—Each 50 grams—2 marks; Commercial Papers: Each 50 grams—2 marks; but nothing less than—10 marks; Samples: Each 50 grams—2 marks but nothing less than —4 marks; Registration of letters—10 marks; Receipt—10 marks; Payment for claim—10 marks.

Official Action on American Remittances.

The Polish Minister of Finance officially informs that hereafter American banks operating in remittances to Poland will be treated like Polish banks which are subject to the law of March 23, 1920 (placing the permit, conditions, and regulations for operation under special control of the Minister of Finance).

The Minister now is not willing to conclude new agreements with independent banks, but he does not intend immediately to revoke the provisional agreements already existing with American banks, regulating their remittance activities in Poland.

The agreement with the Guaranty Trust Co., and the Polish Syndicate will compel the liquidation in the near future of remittance activity by representatives in Poland of foreign banks who are operating without permission from the Polish Government.

Commercial Agreement With Hungary.

"Kurjer Warszawski" of March 24, 1921, announced that an agreement relative to the reciprocal interchange of merchandise was signed between Poland and Hungary during the first part of February, 1921.

Free Trade in Oil

The Minister of Commerce and Industry of Poland announces freedom of trade in oil from September 1, 1921.

Suspention of Tonnage Dues.

See "Danzig" above.

RUMANIA.

Commercial Treaty with Poland.

The commercial treaty recently concluded between Poland and Rumania allows Poland port rights in one of the Rumanian ports, together with transit rights which practically amount to direct transit of Polish goods, in closed cars, through Rumania. The Polish Government is allowed one year within which to designate a port. The treaty was signed on July 1, 1921.

RUSSIA.

Mail and Cablegrams from U. S.

Official notices from the Postmaster General, under date of April 20, 1921, and from the Postal Telegraph Co., of April 27, announce the reopening of mail and telegraphic communication between the United States and the Russias under certain restrictions.

Mail for Russia in Europe and for Russia in Asia (except Vladivostok and eastern Siberia—Far Eastern Russian Republic) will be accepted only in the form of unregistered letters and post cards, and will be dispatched to New York for inclusion in the mails to London. Mail for Vladivostok and the Far Eastern Russian Republic will be accepted, both registered and unregistered, in the form of letters, post cards, printed matter, samples of merchandise, and commercial papers conforming to the Postal Union postage rates, conditions, and classifications for dispatch to San Francisco or to Seattle and inclusion there in the mails to Vladivostok.

Messages to be sent by the Postal Telegraph Co. must be written in English, Russian, or French and will be accepted only

at the risk of the sender. Russia declines to answer inquiries and will give no attention to requests for information. Claims can not be considered.

Baltic Postal and Telegraph Conventions.

A provisional postal and telegraph convention has recently been concluded with Russia by both Latvia and Esthonia. The provisions provide for communications to be sent between both provinces and Russia by mail and by telegraph but, prohibits the transfer of money by either mail or telegraph.

SPAIN.

Weight Limit for Transit Parcel Post Packages.

A royal order of February 2, 1921, published in "La Gaceta de Madrid" for February 5, provides for a gross weight limit of 10 kilos per package for packages in transit through Spain via parcel post, provided that each shipment does not exceed 20 kilos gross weight.

Extension of Period for Registration of American Patents.

A royal decree was signed extending until September 3, 1921, the time limit for presentation for registration in Spain of United States patents which had not expired on August 1, 1914, while for patents originating after that date the terms for payment of fees and other requirements for the maintenance of these patents will be extended to March 3, 1922. This extension will be granted on condition that the United States applies to Spain the benefits established by the Nolan Act of March 3, 1921.

Parcel-Post Agreement with United States.

A parcel-post agreement between the United States and Spain was published on July 21, 1921.

Extension of Period for Registering Patent Medicines.

A Spanish royal order has extended the time limit for registration of foreign pharmaceutical specialties, provided for by the regulations of March 6, 1919 By. these regulations all foreign pharmaceutical specialties should have been registered in Spain by March 31, 1921. This time limit has now been extended to March 31, 1922. During this period those specialties which were on sale before March 6, 1919, may continue to be sold and may be registered upon payment of double taxes, the payment of the single tax being reserved for new specialties.

SYRIA

Prospecting and Concession Permits

According to a circular (No. 119) issued in Beirut, January 6, 1921, by the acting French high commissioner, with regard to permits for prospecting and mineral concessions, the mineral regime in the Syrian territories under French mandate is still governed by the Ottoman law of March 26, 1906, with certain restrictions. For instance all concessions granted since October 29, 1914, are canceled. No new concessions can be granted without a special authorization from the High Commission of the French Republic. Permits to prospect will be delivered only to persons or societies who will produce sufficient guaranty for issuing the national exploitation of the concession to be granted thereafter. Such permits are valid only for one year, but may be renewed by the High Commission.

TURKEY.

Taxes Imposed on Foreigners at Constantinople.

The allied high commissioners have decided that the allied subjects residing in Constantinople should not be exempted from the payment of certain municipal taxes. Accordingly the inter-allied police have been instructed to see that municipal taxes are paid equally by all foreigners and to give the local authorities such assistance as is necessary for the enforcement of their collection.

UNION OF SOUTH AFRICA.

Custom Tariff Board.

The Minister of Mines and Industries, as Acting Prime Minister, announced in Parliament on April 7, 1921, that the Government had decided to appoint a customs tariff board.

The new board would be composed of not more than five members. One member would be the Commissioner of Customs, another the scientific and technical adviser of the Department of Industries, the others to be appointed by the Governor General.

The function of the board will include the hearing and examining of complaints as to the actual working of the customs and excise tariffs, advising the Government regarding the adjustment of anomalies, the steps necessary to assist in the development of industries, and further such other matters as may be referred to it by the Government. In making its investigations, the board is to consider, so far as possible, prices and costs of raw materials, costs of production, transportation, labor conditions and other factors that enter into industrial and commercial problems.

UNITED STATES OF AMERICA.

Parcel Post Agreement with Spain.

See "Spain" above.

Extention of Period for Registration of Patents.

See "Spain" above and "Yugoslavia" below.

Landing and Operation of Sub-marine Cables.

By an act of May 27, 1921 no person is permitted to land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country unless a written license to land or operate such cable has been issued by the President of the United States. Any such cable now laid may continue to operate without such license for a period of ninety days from the date of the act. The President may withhold or revoke such license when he shall be satisfied after due notice and hearing that such action will assist in securing rights for the landing or operation of cables in foreign countries, or in maintaining the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States, or may grant such license upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed, but the license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States.

The President is empowered to prevent landing of such cable without license and the offense is punishable with a fine of not more than $5,000 or imprisonment for not more than one year or both.

Suspension of Tonnage Dues.

See "Danzig" above.

VENEZUELA

Parcel Post Changes.

The Postal Administration made it known that "war materials" should be added to the list of articles specially prohibited in the parcel-post mails to Venezuela. It was also stated that any number of packages desired might be received by the same person in Venezuela by the same steamer, provided the weight of each package did not exceed 5 kilos (11 pounds.)

YUGOSLAVIA

Increase of Postal Rates.

Beginning with April 1, 1921, postal rates on mail matter destined for foreign countries were increased, as follows: Ordinary letters, up to 20 grams, 1 dinar, each additional 20 grams, one-half dinar; ordinary post cards, one-half dinar; printed matter, one-fifth dinar per 50 grams. Registered mail matter cost 1 dinar additional.

Prohibition of Commercial Codes Modified.

The Minister of the Interior has modified recent order relating to commercial codes. Commercial firms of good standing may send telegrams in cipher provided they each request a special authorization therefor from the Ministry of Posts and Telegraphs, and send with the request a copy of the commercial code which they intend to use for their telegrams as well as a list of the towns from which they desire to send their telegrams from several towns in Yugoslavia, such firm is required to send to the Ministry of Posts and Telegraphs with its request as many copies of the code which it intends to use as there are telegraph offices through which it intends to send telegrams.

Extension of Time Limit for American Patents.

The time limit in Yugoslavia for priority rights for application of patents, the rights of which had not already expired on August 1, 1914, as well as for those the rights of which began on August 1, 1914, has been extended for the benefit of the citizens of the United States until September 3, 1921, by a decree of May 17, 1921.

In this issue: ON CONCESSIONS IN RUSSIA!

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LEGAL POSITION OF FOREIGN CONCESSIONAIRES IN RUSSIA.

The question of Russian concessions now being offered by the present government in Moscow continues to agitate the minds of the adventurous. More than that, recently the press reported that concessions were actually granted and accepted by a Swedish company and an American concern. An examination of the legal position of these concessionaires in the light of accepted principles of international law is both timely and opportune.

The present government of Russia came into power four years ago, namely on November 7, 1917, as a result of successful revolutionary uprising. During these four years it has consolidated the country around itself, successfully repelled foreign invasions and put down by arms insurrections against its authority. This government is supported by a system of elected bodies called Soviets.

On the other hand, a large body of Russian refugees abroad, continue to regard this government as an usurper without any legal right or authority to its title. Foreign governments with exception of border states grown out of the former Russian Empire continue to withhold recognition of the present rulers of Russia. Still many of them, notably those of Germany and Great Britain, accorded to the Moscow government acknowledgment of its *de facto* position as the governing body of the Russian Republic, and entered into treaties with it. Formal recognition has been accorded to it by Austria, Esthonia, Finland, Latvia, Lithuania, Persia, Poland and Turkey.

The United States Supreme Court in Thorington v. Smith, 75 U. S. 1 said at pp. 8 and 9:

"There are several degrees of what is called *de facto* government. Such a government, in its highest degree, assumes a character very closely resembling that of a lawful government. This is when the usurping government expels the regular authorities from their customary seats and functions, and establishes itself in their place, and so becomes the actual government of a country.

The distinguishing characteristic of such government is that adherents to it in war against the government *de jure* do not incur the penalties of treason; and under certain limitations, obligations assumed by it in behalf of the country or otherwise, will, in general, be respected by the government *de jure* when restored.

Examples of this description of government *de facto* are found in English history. The Statute 11, Henry VII c. 1, relieves from penalties for treason all persons, who in defense of the King, for the time being wage war against those, who endeavor to subvert his authority by force of arms, though warranted in so doing by the lawful monarch. But this is where the usurper obtains actual possession of the royal authority of the kingdom; not when he has succeeded only in establishing his power over particular locality. Being in possession, allegiance is due to him as King *de facto*.

Another example may be found in the government of England under the commonwealth, first by Parliament, and afterwards by Cromwell, as Protector. It was not, in the contemplation of law, a government *de juro*, but it was a government *de facto* in the most absolute sense. It incurred obligations and made conquests which remained obligations and conquests of England after the restoration."

However, the courts do not undertake to decide the matter of recognition or a status of a foreign government. It is for the political branch of the government to advise the courts of the international status of foreign government. Jones v. U. S., 137 U. S. 202, 212; the Annette, (1919) P. 105, 111; Gelston v. Hoyt, 3 Wheat, 246, 324.

Possibilities Facing the Concessionaires.

The foreign concessionaire of the present government of Russia must reckon with several possibilities. The present government of Russia may be or as we have seen has been already recognized by the government of such concessionaire as a *de facto* or *de jure* government of Russia.

The Soviet government may be replaced by a new Russian government which may consider itself a successor of the Soviet government or by a government which will regard the Soviet government as an usurper and consider its acts and laws as a nullity. The rights of the foreign concessionaire in Russia may be variously affected under any of the above events in accordance with the nature of his concession. If the concession affects the property or rights which are in their character a part of the public rights or domain one set of rules may be applicable, but if what may be granted by the concession was formerly private property, then a different set of legal maxims may apply and the latter in their turn may be dissimilar depending on the nature of the private property, e. g., whether it belonged to a foreigner or a Russian citizen prior to its confiscation by the present government of Russia. Finally, this concessionaire may find his position in a foreign court, whether it be that of his own or some other country (Russia excepted), either of advantage or disadvantage in accordance with the position of the present or future Russian government in a suit, e.g. whether it be defendant or plaintiff. We may add here that we are considering throughout this article the situation when the concession is obtained directly from the Soviet government. Of course, the conclusion here arrived at will be applicable to the case of an alien who obtains his concession from another alien, the latter obtaining it directly from the Soviet government. However, if the concession is granted first of all to the citizen under and through whom the alien may derive his title, different principles of law would apply which will not be considered here at all.

Two points may conveniently be disposed of at this stage. If the subject matter of concession is land, no question involving the title to such land may be subject of a litigation in a court other than that of a court of the country where the land is situated. See Companhia de Mocambique v. British South Africa Co. (1892) 2 Q. B. 358. Of course, a foreign court may pass collaterally upon a title to foreign land, but such determination upon collateral issue will not aid a concessionaire who spent considerable fortune upon improvements or other work on such land to get back his property. Secondly, the law applied in such cases as considered in this article is international law. In Republic of Peru v. Dreyfus Bros. & Co., (1888) 38 Ch. D. 348, 355, 356 the court said:

"The short result of these facts is this. At the present time when Senor Pierola seized upon the supreme power there was a question pending between Messrs. Dreyfus and the Peruvian government as to the result of the accounts of their dealing in guano under the first contract. By article 33 of that contract this question was to be settled by the tribunals of Peru. With the assent of Messrs. Dreyfus this provision was waived, and the amount due was settled by Senor Pierola's government reducing the claim of Messrs. Dreyfus by more than £1,400,000. To this settlement Messrs. Dreyfus assented. They were not subjects of the state of Peru, but of France. The French government had recognized Senor Pierola's government as the *de facto* government of Peru. Senor Pierola made provision for paying this amount by consigning fresh cargoes of guano to Messrs. Dreyfus. They have recovered these cargoes after long litigation with the Peruvian Guano Company who claimed them, and the present government of Peru are now seeking to deprive them of moneys, the proceeds of these cargoes, on the ground that by the law of Peru the arrangement with Senor Pierola's government was void.

"It is difficult to see how this can be determined by the law of Peru. It is a question of international law of the highest importance whether or not the citizens of a foreign state may safely have such dealings as existed in this case with a government which such state has recognized. If they may not, of what value to the citizens of a foreign state is such recognition by its government? There have been successive governments in European countries—usurpations of the power of previous governments overthrown—altering the constitution essentially. These have been in turn recognized by this and other nations. When the government of this country recognized the third emperor of the French, if any Englishman entered into contracts with this government, could it be maintained that the validity of such contracts must depend upon the law of France as settled by decree of the Republic which was established on his deposition? Obviously it would follow that no Englishman could safely contract with the present government of France, or, indeed, with any existing government, lest it in turn should be displaced by another government which might treat its acts as void. There is no authority for any such proposition."

It does not mean that ultimately the law applied is not the law of the country of concession. It may well be so, as we shall see hereafter. However, it is always the law as existing at the time of the act and in the place where the act forming the subject matter under the courts review was committed in the absence of special provisions to the contrary in the contract between the parties.

Case of Subsequent Recognition.

Let us assume, then that the present government of Russia will continue in power until recognized by the country of the foreign concessionaire or, in the alternative, the Soviet government will be succeeded by another government which will be recognized by the concessionaire's country but this new government will acknowledge the committments of the Soviet government. The recognition when extended will have a retroactive effect. In Oetjen v. Central Leather Co., 246 U. S. 297, 302, 303 the U. S. Supreme Court said:

"It is also the result of the interpretation by this court of the principles of international law that when a government which originates in revolution or revolt is recognized by the political department of our government as the *de jure* government of the country in which it is established, such recognition is retroactive in effect and validates all the actions and conduct of the government so recognized from the commencement and conduct of its existence. Williams v. Bruffy, 96 U. S. 176, 186; Underhill v. Hermandez, 168 U. S. 250, 253; see. S. C. 65 Fed. Rep. 577."

However, the recognition of a foreign government originating in revolution does not date back to the commencement of the uprising, but relates to the date when the former government ceases to act and is supplanted by the new governmental authority. Thus, the Soviet government is apparently recognized as a *de facto* government of Russia not from November 7th, 1917, but from December 13, 1917, when the Constituent Assembly was dispersed. See Aksionairnoye Obschestvo Dlia Mechanicheskoyi Obrabotky Diereva, A. M. Luther v. Sagor & Co., 65 S. J. 604.

The title to the property passed by a recognized foreign government can not be questioned in the courts of another country, no matter how iniquitously such title is obtained by this government. In Oetjen v. Central Leather Co., 246 U. S. 297, 303 the United States Supreme Court said:

"Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgment on the acts of the government of another done within its own territory. Redress of grievances by reason of such acts must be obtained through the means open to be availed by sovereign powers as between themselves. Underhill v. Hermandez, 168 U. S. 250, 254; American Banana Co. v. United Fruit Co., 213 U. S. 347."

In other words, no legal redress is available to a foreign concessionaire in case of the recognition. In Ricaud *et al.* v. American Metal Co., Ltd., 246, U. S. 304, 310, the United States Supreme Court said:

"The third question reads:

"III. If question two is answered in the negative, did the seizure, condemnation, and sale of the bullion in the manner, and for the purpose stated to be assumed in question one have the effect of divesting the title to or ownership of it of a certain citizen of the United States of America not in or a resident of Mexico when such seizure and condemnation occurred?"

"The answer to this question must be in the affirmative for the reason given and upon the authorities cited in the opinion recently announced in cases Nos. 268, 269, Oetjen v. Central Leather Co. The fact that the title to the property in controversy may have been in an American citizen, who was not in or a resident of Mexico, at the time it was seized for military purposes by the legitimate government of Mexico, does not effect the rule of law that the act within its own boundaries of one sovereign state cannot become the subject of re-examination and modification in the courts of another. Such action, when shown to have been taken, becomes, as we have said, a rule of decision for the courts of this country. Whatever rights such an American citizen may have can be asserted only through the courts of Mexico or through the political departments of our government."

It is a general rule of the international law that a recognized foreign government or its representatives can not be sued in the courts of another country. This rule equally applies to the case when goods of such foreign government are within the jurisdiction of a foreign court:

In Oetjen v. Central Leather Co., supra, the Court said at page 303:

"The principle that the conduct of one independent government cannot be successfully questioned in the courts of another is as applicable to a case involving the title to property brought within the custody of a court, such as we have here, as it was held to be in the cases cited, in which claims for damages were based upon acts done in a foreign country, for it rests at last upon the highest considerations of international comity and expediency. To permit the validity of the acts of one sovereign state to be re-examined and perhaps condemned by the courts of another would very certainly "imperil the amicable relations between governments and vex the peace of nations."

Nor will the courts of a foreign state interpret a foreign concession or in any way interfere with the exercise or non-exercise of any rights thereunder. In Gladstone v. Ottoman Bank 1 H. & M. 505, 513 Sir W. Page Wood, V. C., said that

"The Court always says it can not interfere to prevent persons from applying to the Legislature, the sovereign power, to grant anything they please; nor is it competent to this court to restrain any gentleman from applying to the Sultan of Turkey for a concession, any more than I could restrain them from applying to our own Legislature for an Act of Parliament; *nor, after the grant is made, can I interfere to prevent them from using the grant made by the same sovereign authority.*"

Neither will any action be taken by the foreign court against its own or alien nationals in the case when the principal, being a foreign state, cannot be subjected to its jurisdiction:

"Now, unless the Court is prepared to hold that this is a contract which it can enforce against the principal, it seems to me impossible (inasmuch as all the rights of the plaintiffs stand upon the contract) to hold that, if the same sovereign power chooses to act in derogation of the right granted by the first sov-

ereign act, I can interfere with the sovereign power itself to prevent an act in derogation of it. But if I cannot interfere with the principal, how can I interfere with the accessory, namely the person who is alleged to be aiding in defeating the rights which the sovereign power has granted by the first concession." (See same case at pp. 510, 511.)

The only means of protection open to the foreign concessionaire in this case is to insist upon a financially responsible agent, surety or guarantor for the concession in the person of some bank, individual, firm or a corporation. Such agent, surety or guarantor could be sued in foreign courts and a recovery had for all the breaches of concession. Musurus Bey v. Gadban (1894) 2 Q. B. 354; Lariviere v. Morgan (1872) L. R. 7 Ch. 550.

Restoration of Original Government.

We may now pass to the consideration of the case, when a revolutionary uprising is not successful and a pre-revolutionary government returns to power.

There are two cases to be considered under this head. One is that of a foreign concessionaire whose country recognized the revolutionary authorities as a *de facto* government. Another is that when the country of the foreign concessionaire did not extend even a *de facto* recognition to such revolutionary authority.

When a revolutionary government is recognized by a state as *de facto* government its acts are as valid as those of the government *de jure*.

In Republic of Peru v. Dreyfus Bros. & Co., (1888) 38 Ch. D. 348, 356, Justice Kay made the following statement of the law:

"I must take the law to be that an Englishman or Frenchman might safely contract with Senor Pierola's government, if not before, at any rate after, it was recognized by the government of England and France respectively."

In Williams v. Bruffy, 96 U. S. 176, 185, the Supreme Court of the United States after repeating substantially the definition of a *de facto* government as given in Thorington v. Smith *supra* continued as follows:

"As far as other nations are concerned, such a government is treated as in most respects possessing rightful authority; its contracts and treaties are usually enforced; its acquisitions are retained; its legislation is in general recognized; and the rights acquired under it are, with few exceptions, respected after the restoration of the authorities which were expelled."

The revolutionary authority which is recognized as a *de facto* government by a foreign country enjoys all the privileges and immunities of a *de jure* government and the law applicable to the latter as stated above applies equally in the case of the former.

It is submitted that the limitations as contained in the above citation from Williams v. Bruffy must be taken to relate to the matters of domestic nature and not to the international affairs. When it is said, that "its legislation is *in general*, recognized" it means that *political* legislation, such as institution of a new reigning house or a new form of government will not be upheld. When it is said that "the rights acquired under it are, *with few exceptions*, respected" it is meant that grants to aliens or its citizens for active support of the usurping government will not be sustained or that confiscated property will be returned to its former owners without a remuneration to its new holders.

The Court of Appeals in England in Aksionairnoye Obschestvo Dlia Mechanicheskoyi Obrabotky Diereva, A. M. Luther v. Sagor & Co., 65 S. J. 604 said per Bankes L. J.:

"In this circumstance the whole aspect of the case was changed, and it became necessary to consider two matters, which were not material in the court below. The first was a question of law: what was the effect of the recognition by his majesty's government in April, 1921, of the Soviet government as the *de facto* government of Russia upon the past acts of that government and how far back, if at all, did that recognition extend?

"The Court on the construction which he placed upon the communications from the Foreign Office, must treat the existence of the Soviet government as having commenced at a date anterior to any date material in the dispute between the parties. The plaintiffs' counsel had drawn a distinction between the effect of recognition of a *de facto* government and a *de jure* government and argued that the latter form of recognition might relate back to acts of state earlier than the date of recognition; whereas the former could not. *For present purposes no distinction could be drawn. His Majesty's government having recognized the Soviet government as the government really in possession of the sovereignty in Russia, the acts of that government must be treated here with all the respect due to the acts of a duly recognised foreign state.*"

Right of Action Abroad.

The last point raises an interesting question. What is the position of a foreign concessionaire who has obtained a concession from the Soviet government upon a property confiscated by it. We assume here that the country of this concessionaire has recognized the Soviet government as a *de facto* government of Russia. We have seen already *supra* that if the concession related to the land, then the law of the land's location will apply and courts of another country have no jurisdiction in the matter. In other words, if the restored government of Russia shall choose to declare such concession invalid, the only redress that the foreign concessionaire could get is the assistance of the political departments of his own government. But let us suppose that the property is personalty and is within the jurisdiction of a foreign court. There are two possibilities here. One, where the government of Russia is party to a suit, and another where it is not such a party. Of course, neither *de facto* nor the restored government of Russia could be made defendants, but in case the restored government is a plaintiff it will be bound by the terms of the concession. To this point we will return later.

The right of a foreign recognized government to sue in a foreign court is beyond dispute. Munden v. The Duke of Brunswick, 10 Q. B. 656; Gladstone v. Ottoman Bank, 1 H. & M. 505, 509. That is so particularly in respect to property belonging to the foreign state. In the Emperor of Austria v. Day, 3 De Gex F. & J. 217 Lord Campbell L. C. said at page 238:

"In the first place they deny the right of the plaintiff as a sovereign prince to maintain this suit, and if the suit was instituted merely to support his political power and prerogatives, or for any alleged wrong sanctioned by the government of England, I should acquiesce in that position. But the King of Spain v. Hullett (7 Bli. N. S. 359), The King of the Two Sicilies v. Willcox (1 Sim. N. S. 332) and various other authorities show that by the law of England a foreign sovereign may sue in our courts for a wrong done to him by an English subject unauthorized by the English government, in respect of property belonging to the foreign sovereign, either in his individual or in his corporate capacity."

In the case where the government of Russia shall not be a party two different situations may arise, depending upon whether the personalty in question had its *situs* in Russia or abroad at the time of its disposition as a result of which it is brought to a foreign country. With exception of certain specific cases depending on special circumstances, the *situs* of personalty at the time of its disposition determines the validity of the title to it in the purchaser. See Cammell v. Sewell, 5 H. & N. 728. So that, if the personalty is in Russia, the title conferred upon a foreign concessionaire can not be attacked in a foreign court. In Aksionairnoye Obschestvo Dlia Mechanicheskoyi Obrabotky Diereva, A. M. Luther v. Sagor & Co., 65 S. J. 604 the court said per Bankes L. J.:

"The respondents had argued that the decree of confiscation of June, 1918, even if made by the recognized *de facto* government of Russia, was in its nature so immoral and so contrary to the principles of justice as recognized by this country that the courts of this country ought not to pay any attention to it. The

question before the court was not, however, one in which the assistance of the court was asked to enforce the law of some foreign country to which legitimate objection might be taken as in Hope v. Hope (8 De G. M. & G. 731); Kaufman v. Geeson (1904) 1 K. B. 591. The question was as to the title of the goods lying in a foreign country which a subject of that country, being the owner of them by the law of that country, had sold under an f.o.b. contract for export to this country. *The court was asked to ignore the law of the foreign country under which the vendor acquired his title and to lend its assistance to prevent the purchasers dealing with the goods. There was no authority to support such a contention, and therefore the appeal must succeed.*"

It may be added here that when a foreign government concludes a loan abroad it does not thereby, in the absence of specific provisions to that effect submit itself to the foreign system of jurisdiction or the jurisdiction of foreign courts. In Smith v. Weguelin L. R. 8 Eq. 198, 212, 213 the Court said per Lord Romilly, M. R. this:

"It is, in my opinion, a complete misapprehension to suppose, that, because a foreign government negotiates a loan in a foreign country, it thereby introduces into that transaction all the peculiarities of the law of the country in which the negotiation is made. The place where the loan is negotiated does not, in my opinion, in the least degree effect the question of law.

If the French government should negotiate a loan on certain specified terms, whether negotiated in Brussels, in London, or in Paris, the same law must regulate the whole, and that law is the law of France, as much as it had been expressly notified in the articles that the French laws would be that by which the contract must be construed and governed. So, if the English government were to negotiate a loan in Paris or in New York, the English law must be applied to construe and regulate the contract."

And the above rule as to the contractual right being governed by the *lex situs* is also applicable to the rights *ex delicto*. In Phillips v. Eyre, L. R. 6 Q. B. 27, the court said at page 30:

"So that where an obligation by contract to pay a debt or damages is discharged and avoided by the law of the place where it was made, the accessory right of action in every court open to the creditor unquestionably falls to the ground. And by strict parity of reasoning, when an obligation, *ex delicto*, to pay damages is discharged and avoided by the law of the country where it was made, the accessory right of action is in like manner discharged and avoided."

In the alternative instance, e.g. when the *situs* of the personalty shall be abroad the principles upon which foreign courts will entertain a suit were explained by Willes J. in Phillips v. Eyre, L. R. 6 Q. B. 27, 30:

"As a general rule, in order to found a suit in England for a wrong alleged to have been committed abroad, two conditions must be fulfilled. First, the wrong must be of such a character that it would have been actionable if committed in England, therefore, in the Halley L. R. 2 P. C. 192, the Judicial Committee pronounced against a suit in the Admiralty founded upon a liability by the law of Belgium for collision caused by the act of a pilot whom the shipowner was compelled by that law to employ and for whom, therefore, as not being his agent, he was not responsible by English law. Secondly, the act must *not* have been justifiable by the law of the place where it was done. Therefore in Blad's case, 3 Swan. 603 and Blad v. Bamfield, 3 Swan 604, Lord Nottingham held that a seizure in Iceland, authorized by the Danish government and valid by the law of the place, could not be questioned by civil action in England, although the plaintiff, an Englishman, insisted that the seizure was a violation of a treaty between that country and Denmark—a matter proper for remonstrance, not litigation."

Assuming, then, that a suit will be commenced in a foreign country, which has recognized the present government of Russia to enforce the confiscation decrees of the Soviet government against the personal property of the indivdiuals, firms or corporations, whose domicile or allegiance are or were in Russia, it would be necessary to prove: (a) that the confiscation decrees are not penal; (b) that such decrees are not contrary to the public policy of the foreign state.

It is submitted that if the title of foreign concessionaire to a personalty shall be based upon legislation which is penal in its character it could not be enforced in a foreign court. The Antelope, 10 Wheat. 66; Wolff v. Oxholm 6 M. & S. 92, 99. There is hardly a doubt that a confiscatory measure is penal, unless an act of legitimate warfare. See Folliott v. Ogden 1 H. Bl 123, 135 and *dictum* of Lord Penzance in Lynch v. Provisional Government of Paraguay L. R. 2 P. & M. 268.

Confiscation is Contrary to Public Policy.

However, such an action it is submitted will be also bad on the ground of it being contrary to the public policy of the foreign state. In Higgins v. Central New England & cet. R. R., 155 Mass. 176 the court said at page 180:

"When an action is brought upon it here, the plaintiff is not met by any difficulty upon these points. Whether our courts will entertain it depends upon the general principles which are to be applied in determining the question whether actions founded upon the laws of other states shall be heard here. These principles require that, in cases of other than penal actions, the foreign law, if not contrary to our public policy, or to abstract justice or pure morals, or calculated to injure the state or its citizens shall be recognized and enforced here. If we have jurisdiction of all necessary parties, and if we can see that, consistently with our own forms of procedure and law of trials, we can do substantial justice between the parties. If the foreign law is a penal statute, or if it offends our own policy, or is repugnant to justice or to good morals, or is calculated to injure this state or its citizens or if we have no jurisdiction of the parties who must be brought in to enable us to give a satisfactory remedy, or if under our forms of procedure an action here cannot give a substantial remedy, we are at liberty to decline jurisdiction. Blanchard v. Russell 13 Mass. 1, 6. Prentiss v. Savage 13 Mass. 20, 24. Ingragham v. Geyer 13 Mass. 146. Tappan v. Poor 15 Mass. 419. Zipcey v. Thompson 1 Gray 243, 245. Erickson v. Nesmith 15 Gray, 221. Halsey v. McLean 12 Allen 438, 443. New Haven Horse Nail Co. v. Linden Spring Co. 142 Mass. 349, 353. Bank of North America v. Rindge 154 Mass. 203."

And in Edgerly v. Bush, 81 N. Y. 199, the New York Court of Appeals said per Folger Ch. J.:

"That rule does not obtain in this state. It has not been our policy to establish it. Our policy has been, and is, to protect the right of ownership, and to leave the buyer to take care that he gets a good title. It would be to the contravention of that policy, and to the inconvenience of our citizens, if we should give effect to these statutes of Lower Canada, to the divesting of titles to movables lawfully acquired and held by our general and statute law, without the assent or intervention, and against the will of the owner by our laws. Notions of property are slight, when a *bona fide* purchase of stolen goods gives a good title against the original owner. (Per Kent. Ch. J. Wheelwright v. De Peyster, 1 Johns. 470.) We are not required to show comity to that extent."

Furthermore, Chief Justice Marshall remarked in U. S. v. Percheman, 7 Pet. 51, 86, 87 that:

"It may not be unworthy of remark, that it is very unusual even in cases of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country. *The modern usage of nations, which have become law, would be violated; that sense of justice and of right which is acknowledged and felt by the whole civilised world would be outraged, if private property should be generally confiscated and private rights annulled.* The people change their allegiance and their relation to their ancient sovereign is dissolved, but their relations to each other, and their rights of property, remain undisturbed."

It is true that in Underhill v. Hermandez 168 U. S. 250, 252 Chief Justice Fuller ruled that:

"Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgmnt on the acts of the government of another done within its own territory. Redress of grievances by reason of such acts must be obtained through the means open to be availed of by sovereign powers as between themselves.

"Nor can the principle be confined to lawful or recognized governments, or to cases where redress can manifestly be had through public channels. The immunity of individuals from suits brought in foreign tribunals or acts done within their own states, in the exercise of governmental authority, whether as civil officers or as military commanders, must necessarily extend to the agents of governments ruling by paramount force as a matter of facts."

Yet this statement must be necessarily limited by the facts of the case. There, the government represented by

the revolutionaries was successful and was subsequently recognized by the United States as a *de jure* government of Venezuela. Moreover, the "civil officers" in the above opinion must be taken to mean "agents of governments ruling by paramount force as a matter of fact" e.g. the case to justify the acts must be one governed by the exigencies of "ruling paramount force." Such was, indeed, the interpretation given to the above decision recently by the Court of Errors and Appeals of New Jersey in O'Neil *et al.* v. Central Leather Co., 94 Atl. 789, 791:

"The action in Underhill v. Hermandez was an action for personal torts; but we are equally bound by the same legal principle in an action involving the title to personal property, if title thereto can ever be passed by a military commander exercising paramount force. That title can be so passed is well settled, since the right to confiscate property or levy military contributions is one of the rights of the military occupant of a territory. The reason for permitting an armed force to levy contributions or even to confiscate property in territory occupied by them apply as well to insurgents conducting war in a material sense as to recognized belligerents conducting war in a legal sense.

"The reason is the necessity of carrying on the usual operations of government and of supporting the army."

We fail to see how this principle can be extended to a case of wholesale confiscation of private property by a legislative act of a foreign government done as a part of its general public policy and not under a stress of military necessity prompted by actual warfare.

Case of Unsuccessful Revolt.

We finally pass to the consideration of the case where the revolutionary authority is superseded by a *de jure* government but in the meanwhile fails to get the recognition of the country of a foreign concessionaire. In such a case acts of legitimate warfare, if actual war has been waged, cannot be made a basis of individual liability. The U. S. Supreme Court in Underhill v. Hermandez 168 U. S. 250, 252, 253 said that:

"Where a civil war prevails, that is, where the people of a country are divided into two hostile parties, who take up arms and oppose one another by military force, generally speaking foreign nations do not assume to judge of the merits of the quarrel..... ....

"If the political revolt fails of success, still if actual war has been waged, acts of legitimate warfare cannot be made the basis of individual liability. U. S. v. Rice, 4 Wheat. 246; Fleming v. Page 9, How. 603; Thorington v. Smith, 8 Wall 1; Williams v. Bruffy, 96 U. S. 176; Ford v. Surget, 97 U. S. 594; Dow v. Johnson, 100 U. S. 158; and other cases."

When a government *de jure* succeeds such unrecognized revolutionary authority, it can not punish foreign citizens or subjects for acts done in the transaction of ordinary, commercial, industrial or financial business nor make any new laws which would have a retroactive effect. Such is the conception of the law as expressed by U. S. Attorney-General Black, 9 Op. Att.-Gen. 140, 142, 143, 145:

"It is equally well settled that, when the former government resumes its possession of the territory, whether by force or under a treaty, it can not call the citizens or subjects of a third nation to account for obeying the authority which was temporarily supreme during the enemy's occupation of the place. *The jus post limini has no sort of application to such a case.*

....

"If the party which opposes the previously established government succeeds in overthrowing it entirely, and gets possession of the whole country, nobody can be perverse enough to deny that, in such case, the new government is sovereign, and authorized to dictate the law which shall prevail.

....

"The laws and jurisdiction of the Peruvian government were superseded at Iquique during the time that place was in possession of its domestic enemy, and its resumption of possession—supposing possession to have been resumed—*gave it no power to punish American citizens for a supposed violation of its laws, while they were suspended, nor to make any new law which would have a retroactive effect.* The whole proceeding of the Peruvian government against the two vessels named was contrary to the law of nations, and repugnant to the principles of natural justice."

It is submitted that these principles do not apply to a case of a concession. A concession is a special legislative or administrative grant conferring extraordinary privileges and not an ordinary matter of course, business transaction. Florida Town Improvement Co. v. Bigalsky 44 Fla. 771; Western Mining & Manfg. Co. v. Peytona Camel Coal Co. 8 W. Va. 406, 446; Gladstone v. Ottoman Bank, 1 H. & M. 505.

The legislative acts of a foreign unrecognized government can not be relied upon in the courts of the country which did not recognize it. Aksionairnoye Obschestvo Dlia Mechanicheskoyi Obrabotky Diereva A. M. Luther v. Sagor & Co. (1921) 1 K. B. 456.

Hence, any such concession will be a nullity, unless *de jure* government will choose to approve it in some form or another.

Unrecognized foreign government can not sue in the courts of a country which did not afford recognition to it. The City of Berne v. The Bank of England, 9 Ves. Jr. 347; The Lomonosoff L. R. (1921), P. 97. But, apparently, if there is property of such unrecognized government within the reach of a foreign court, the latter can exercise its jurisdiction therein, against the person holding such property or analogy, probably, of a non-resident unregistered corporation. See decisions by Justices Hotchkiss and Mullan in N. Y. Law Journal for October 31, 1921, on page 376, affirming writs of attachment granted against the property of the Soviet government in New York State.

But, if the *de jure* government decided to sue in a foreign court, for the property acquired from such unrecognized government by foreigners, then *de jure* government will be held to be bound by the terms of the contracts whereby this property was acquired. In Republic of Peru v. Dreyfus Bros. & Co. (1888) 38 Ch. D. 348, the Court said at pp. 361 and 362:

"In U. S. A. v. Prioleau, 2 H. & M., 559, a similar claim was made to goods which rebellious states of America had sent to a citizen of this country. The rebellious states had been conquered by the United States government; they have never been recognized by England's government. Yet it was held, and the decision has not been questioned, that the contract under which the goods were sent must be recognized, and that they could not be recovered in violation of that contract. It was not doubted that the United States were entitled to all public property belonging to the rebellious states; but where these states had dealt for value with citizens of another country such property could not be recovered by treating the contract as void. In a litigation with the foreigner, party to the contract, they must adopt the contract and merely take such rights as the *de facto* government of the rebel states might have had under it. This doctrine is recognized in some of the other citations already made, especially in the words of Lord Justice Jamas, which I have quoted. It was applied even in the case of rebel states which had not been recognized by this country. It follows a *fortiori* in this case that the Republic of Peru can only recover the proceeds of the eleven cargoes of guano if Senor Pierola's government could have done so. That government certainly could not have recovered them in violation of its own contract, as the Republic of Peru are now seeking to do."

Conclusion.

Summing up, it appears that a foreign concessionaire in Russia may safely contract with the Soviets as to the confiscated private property provided that his government has recognized the Soviet authority as the *de facto* government of Russia. A foreign concessionaire may, further, deal safely with Soviet Government with reference to all the private property requisitioned by it in support of its military operations and under the stress of military necessity. It is clear that an alien concessionaire whose country recognized the government granting concession may obtain a valid title to the property of a native or a foreign person, firm or a corporation con-

fiscated under a law providing for wholesale confiscation of private property as a measure of public policy, if such private property has its *situs* in the concessionist state but will get no title, if it will be located elsewhere. It is reasonably clear that a foreign concessionaire whose country has not recognized the Soviet government even as a *de facto* government of Russia is hardly in a position to obtain a valid title from that government upon any property. In the latter case it would be a proper thing for the citizens of such country to act through a medium of a subsidiary corporation organized in the state that granted a *de facto* recognition for the Soviets.

BRITISH KEY INDUSTRIES BILL, 1921

Part I. Safeguarding of Key Industries.

1. (1) Subject to the provisions of this act, there shall be charged, levied, and paid on the goods specified in the schedule to this act, on the importation thereof into the United Kingdom duties of customs equal to one-third of the value of the goods.

(2) Where any other duties of customs, not being duties chargeable under Part II of this act, are chargeable in respect of any goods chargeable with duty under this section, duty under this section shall not be charged except in so far as the amount thereof exceeds the amount of those other duties.

(3) No duty shall be charged under this section on goods which are shown to the satisfaction of the commissioners to have been consigned from and grown, produced, or manufactured in the British Empire, and for the purposes of this subsection goods shall be deemed to have been manufactured in the British Empire which would be treated as having been so manufactured for the purposes of section eight of the Finance Act, 1919 (which relates to imperial preference), and that section shall apply accordingly.

(4) Where an imported article is a compound article of which an article liable to duty under this section is an ingredient or forms part, no duty shall be charged under this section in respect of the compound article if the compound is of such a nature that the article liable to duty has lost its identity, and any dispute as to whether an article has lost its identity, shall be determined in like manner as disputes as to whether goods are goods specified in the schedule to this act.

(5) For the purpose of preventing disputes arising as to whether any goods are or are not any goods chargeable with duty under this part of this act, the board may from time to time issue lists defining the articles which are to be taken as falling under any of the general descriptions set out in the said schedule, and where any list is so issued defining the articles which are to be taken as falling under any such general description, the said schedule shall have effect as if the articles comprised in the list were therein substituted for that general description.

Every list issued under this section shall be published forthwith in the London, Edinburgh, and Dublin Gazettes, and in such other manner as the board think proper.

If within three months after the publication of any such list any person appearing to the board to be interested delivers to the board a written notice complaining that any article has been improperly included in, or excluded from, the list, the board shall refer the complaint to a referee to be appointed by the Treasury, and the decision of the referee shall be final and conclusive, and the list shall be amended so far as is necessary in order to give effect to the decision, without prejudice, however, to the validity of anything previously done thereunder.

Part II. Prevention of Dumping.

2. (1) If, on complaint being made to the board to that effect, it appears to the board that goods of any class or description (other than articles of food or drink) manufactured in a country outside the United Kingdom are being sold or offered for sale in the United Kingdom (a) at prices below the cost of production thereof as hereinafter defined; or (b) at prices which, by reason of depreciation in the value in relation to sterling of the currency of the country in which the goods are manufactured, not being a country within His Majesty's Dominions, are below the prices at which similar goods can be profitably manufactured in the United Kingdom; and that by reason thereof employment in any industry in the United Kingdom is being or is likely to be seriously affected, the board may refer the matter for inquiry to a committee constituted for the purposes of this part of this act:

Provided, That the board shall not so refer any matter involving a question of depreciation of currency unless they are satisfied that the value of the currency of the country in question in relation to sterling is less by 33 1-3 per cent, or upward, than the par value of exchange.

(2) If the committee report that as respects goods of any class or description manufactured in any country the conditions aforesaid are fulfilled the board may by order apply this part of this act to goods of that class or description if manufactured in that country;

Provided, That no such order shall be made which is at variance with any treaty, convention, or engagement with any foreign state in force for the time being.

(3) If at the time when it is proposed to make any such orders the Commons House of Parliament is sitting or is separated by such an adjournment or prorogation as will expire within one month, the drafts of the proposed orders shall be laid before that house and the orders shall not be made unless and until a resolution is passed by that house approving of the drafts either without modification or subject to such modifications as may be specified in the resolution, and upon such approval being given the orders may be made in the form in which the drafts have been approved.

In any other case an order may be made forthwith, but all orders so made shall be laid before the Commons House of Parliament as soon as may be after its next meeting, and shall not continue to in force for more than one month after such meeting unless a resolution is passed by that house declaring that the orders shall continue in force, either without modification or subject to such modifications as may be specified in the resolution; and, if any modifications are so made as respects any order, the order shall thenceforth have effect subject to such modification, but without prejudice to the validity of anything previously done thereunder.

Any order approved or continued under this subsection shall have effect as if enacted in this act.

3. (1) Subject to the provisions of this part of this act, there shall be charged, levied and paid on goods of any class or description in respect of which an order has been made under this part of this act, if manufactured in any of the countries specified in the order, on the importation thereof into the United Kingdom, in addition to any other duties of customs chargeable hereon, duties of customs equal to one-third of the value of the goods.

(2) Where goods are manufactured partly in one country and partly in another, or undergo different processes in different countries, and any one or more of those countries are countries in relation to which an order applying to the goods in question has been made under this part of this act, the goods shall be liable to duty under this part of this act unless it is proved to the satisfaction of the commissioners that 25 per cent or more of the value of the goods at the time of export to the United Kingdom is attributable to processes of manufacture undergone since the goods last left any country in relation to which such an order has been made.

(3) An order under this part of this act may extend to goods brought back into the United Kingdom after having been exported therefrom for the purpose of undergoing any process out of the United Kingdom, and in such case the goods shall be deemed for the purposes of this part of this act to have been manufactured in the country in which they have undergone such process, but the importer shall, on proof to the satisfaction of the commissioners of the value of the goods free on board at the time of such exportation, and of the identity thereof, and that no drawback has been allowed thereon on the exportation thereof, be entitled to be repaid by the commissioners such proportion of the duty paid under this part of this act on the goods so brought back after having undergone such process as aforesaid as represents the duty on the value of the goods before exportation.

4. Where an order has been made under this part of this act applying this part of this act to goods of any class or description on the ground that goods of that class or description are being sold or offered for sale in the United Kingdom at prices below the cost of production thereof, the following provisions shall have effect—

(1) If any person by whom any duty would be payable proves to the satisfaction of the commissioners that the goods in respect of which the duty is payable, have already been sold in the United Kingdom at a price which was not less than the cost of production the payment of duty shall be remitted.

(2) If any person by whom any duty has been paid proves to the satisfaction of the commissioners that the goods were on the first sale thereof within the United Kingdom sold at a price which was not less than the cost of production of the goods, or where he shows that there have been a change in the market conditions of the country of manufacture, not less than the amount which would on the date of sale have been the cost of production in that country of similar goods he shall be entitled to repayment of the duty so paid.

(3) No such remission or repayment of duty shall be made, unless and until there is produced to the commissioners a declaration in the prescribed form made by the consignor of the goods stating the cost of production, at the date of the declaration, of the goods, and the country of manufacture of the goods, certified by a British consular officer, or by some other person duly authorized by the board to give certificates for the purposes of this part of this act, to be to the best of his knowledge and belief a true declaration.

For the purpose of any claim to remission or repayment of duty under this section, the declaration by the consignor, duly certified by a British consular officer or other person as aforesaid, shall, unless proved to have been obtained by fraud, be conclusive evidence of the amount of the cost of production of the goods to which the declaration relates.

A certificate under this section shall be in such form and be subject to such conditions as to period of validity and otherwise as the board may direct.

(4) Where goods which have been charged with duty are, without being sold, used in the United Kingdom for any purpose, they shall, for the purposes of this section, be deemed on being so used to have been sold, and in such a case the sale price shall, for the purposes aforesaid, be taken to be an amount representing the price at which the goods were actually purchased from the exporter, together with freight and insurance and the amount of any import duty, other than the duty under this part of this act, which may have been paid in respect of the goods.

5. It shall be lawful for the commissioners, in the case of any goods which if manufactured in a particular country would be liable to duty under this part of this act, to require the importer to furnish to the commissioners proof in the prescribed form with respect to the country or manufacture of the goods, and if such proof is not furnished to the satisfaction of the commissioners the goods shall be deemed to be goods manufactured in the first-mentioned country:

Provided, That the commissioners shall require such proof in the case only of goods consigned from such countries as the board may direct.

6. Subject to such conditions as the commissioners may direct for securing that the provisions of this part of this act shall not be evaded, this part of this act shall not apply to any goods which had left the place from which they were consigned to the United Kingdom not later than seven days after the date of the order applying this part of this act to goods of the class or description in question.

7. (1) A committee for the purposes of this part of this act shall consist of five persons elected by the president of the Board from a permanent panel of persons appointed by him, who shall be mainly persons of commercial or industrial experience.

(2) Any person whose interest may be materially affected by any action which may be taken on the report of a committee shall not be eligible for selection as a member of the committee.

(3) A committee to whom any matter is referred under this part of this act shall forthwith, in accordance with such rules of procedure as may be prescribed, inquire into the matter so referred and report thereon to the president of the board.

8. In this part of this act the expression "cost of production" in relation to goods of any class or description means the current sterling equivalent of—

(a) The wholesale price at the works charged for goods of the class or description for consumption in the country of manufacture; or

(b) If no such goods are sold for consumption in that country, the price which, having regard to the prices charged for goods as near as may be similar when so sold or when sold for exportation to other countries, would be so charged if the goods were sold in that country, after deducting in either case any excise or other internal duty leviable in that country and an amount equal to five per cent of the price.

9. An order made under this part of this act shall, unless previously revoked by the board, continue in force for three years or such less period as may be specified in the order, but any such order may, subject to the provisions of this part of this act, be renewed from time to time by an order made in like manner and subject to the like conditions as the original order:

Provided, That the board shall not have power to revoke any such order either wholly or as respects any country or article to which the order relates except after reference to and consideration of any report thereon by a committee constituted under this part of this act, and that an order made on the ground of depreciation of foreign currency shall not be made or continued in force after the expiration of three years from the passing of this act.

Part III. General.

10. (1) The value of any imported goods for the purpose of this act shall be taken to be the price which an importer would give for the goods if the goods were delivered to him freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the commissioners.

(2) If in ascertaining the proper rate of duty chargeable on any goods under this act any dispute arises as to the value of the goods that question shall be referred to the arbitration of a referee appointed by the Treasury, and the decision of the referee with respect to the matter is dispute shall be final and conclusive.

Sections 30 and 31 of the Customs Consolidation Act, 1876, shall, as respects any such dispute as to value, have effect as if an application for a reference to a referee under this provision were substituted for the action or suit mentioned in those sections.

11. If any dispute arises as to whether any goods imported into the United Kingdom are goods specified in the schedule to this act or in any list made by the board under Part I of this act, or are goods to which an order made under Part II of this act applies, the question shall be referred to the arbitration of a referee to be appointed by the Treasury, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections 30 and 31 of the Customs Consolidation Act, 1876, shall apply as if the dispute were a dispute as to the proper rate of duty payable, with the substitution of an application for a reference to a referee under this section for the action or suit mentioned in those sections.

12. (1) If it is proved to the satisfaction of the commissioners that a duty of customs has been duly paid in respect of any goods under this act, and the goods have not been used in the United Kingdom, a drawback equal to the amount of duty paid shall be allowed on those goods if exported as merchandise.

(2) Section 6 of the Customs and Inland Revenue Act, 1879, shall not apply to goods liable to duties of customs under this act, and any such goods imported into the United Kingdom after exportation therefrom shall be exempt from duty, if it is shown to the satisfaction of the commissioners either that the goods had not been imported previously to exportation, or that no drawback of duty was allowed on exportation, or that any drawback so allowed has been repaid to the Exchequer:

Provided, That goods which have been imported and exported by way of transit under bond shall not be deemed to have been imported or exported under this provision.

13. Subject to compliance with such conditions as to security for the re-exportation of the goods as the commissioners may impose, this act shall not apply to goods imported for exportation after transit through the United Kingdom or by way of trans-shipment.

14. No order shall be made applying Part II of this act to goods of any class or description unless the committee to which the matter has been referred under section two of this act have reported that in their opinion production in the industry manufacturing similar goods in the United Kingdom is being carried on with reasonable efficiency and economy.

15. (1) In this act the expression "the board" means the Board of Trade; and anything authorized under this act to be done by the board may be done by the president, or a secretary, or assistant secretary, of the board, or by any person authorized in that behalf by the president of the board. The expression "the commissioners" means the Commissioners of Customs and Excise. The expression "prescribed" means prescribed by regulations made by the board.

(2) This act shall be construed together with the Customs Consolidation Act, 1876, and any enactments amending that act, except that the Isle of Man shall not be deemed to be part of the United Kingdom.

Part I of this act shall continue in force for a period of five years from the commencement thereof and no longer.

Schedule—Goods Chargeable with Duty.

Optical glass and optical elements, whether finished or not, microscopes, field and opera glasses, theodolites, sextants, spectroscopes, and other optic instruments.

Beakers, flasks, burettes, measuring cylinders, thermometers, tubing, and other scientific glassware and lamp-blown ware, evaporating dishes, crucibles, combustion boats, and other laboratory porcelain.

Galvanometers, pyrometers, electroscopes, barometers, analytical and other precision balances, and other scientific instruments, gauges and measuring instruments of precision of the

types used in engineering machine shops and viewing rooms, whether for use in such shops or rooms or not.

Wireless valves and similar rectifiers and vacuum tubes. Ignition magnetos and permanent magnets. Arc-lamp carbons. Hosiery latch needles.

Metallic tungsten, ferrotungsten, and manufactured products of metallic tungsten, and compounds (not including ores or minerals) of thorium, cerium, and the other rare earth metals.

All synthetic organic chemicals (other than synthetic organic dyestuffs, colors, and coloring matters imported for use as such, and organic intermediate products imported for their manufacture), analytical reagents, all other fine chemicals (except sulphate of quinine of vegetable origin), and chemicals manufactured by fermentation processes.

CANADIAN MARKING REGULATIONS

By the Customs Tariff Amendment Act, 1921, the Customs Tariff, 1907, was amended by inserting the following section immediately after section 12 thereof:

12A. That all goods imported into Canada which are capable of being stamped, marked, branded or labeled without injury, shall be marked, stamped, branded or labeled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the goods will permit.

Provided that all goods imported into Canada after the date of the coming into force of this section which do not comply with the foregoing requirements shall be subject to an additional duty of 10 per cent ad valorem to be levied on the value for duty purposes, and in addition such goods shall not be released from customs possession until they have been so marked, stamped, branded, or labeled under customs supervision at the expense of the importer.

Provided further that if any person shall violate any of the provisions relating to the marking, stamping, branding, or labeling of any imported goods, or shall deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels, with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall be liable on summary conviction to a penalty not exceeding $1,000, or to imprisonment not exceeding one year, or both fine and imprisonment. The Minister of Customs and Inland Revenue may make such regulations as are deemed necessary for carrying out the provisions of this section and for the enforcement thereof.

(2) This section shall come into force on the 31st day of December, 1921.

In pursuance of this Act the Department of Customs and Excise issued Memorandum No. 9 (Revised) which contains the following regulations:

Law Applies to "All Goods Imported"

1—This law applies to "all goods imported into Canada" and consequently includes goods originating in the United Kingdom, British Colonies, and British possessions.

2—The country of origin of a manufactured article may be the country in which the article has been finished by a substantial amount of labor amounting to not less than one-fourth the cost of production of such article in condition imported.

3—Goods entered for immediate exportation or in transit through Canada are not required to be marked.

4—When imported goods are found to be not legally marked, the Appraiser will note the fact on the invoice and the additional duty shall be levied accordingly.

5—The appraiser will report all articles (and packages as hereinafter provided for) not properly marked to the collector, who will notify the importer to redeliver the unexamined packages or to arrange to mark the same and their contents under customs supervision.

6—The importer may be permitted to mark examined packages and their contents in customs warehouse, or arrange for the marking of same under customs supervision on the premises of supervision.

7—Whether the marking found on goods in condition imported is as nearly indelible and permanent as the nature of the goods will permit is a question of fact to be determined in each instance by the collector, subject to the decision of the commissioner of customs and excise.

8—If the importer fails to mark goods when called upon to do so by the collector, the collector may require the same to be exported, and in default thereof the goods shall be treated as unclaimed, dating from time of importation, and if sold must be sold on condition that they be marked by the purchaser under customs supervision.

9—Goods not susceptible of permanent marking may be stamped or labeled for purposes of delivery.

It will be found that while certain kinds of goods, as, for example, chinaware and porcelain, are capable of being permanently and indelibly marked in the process of manufacture, it is commercially impracticable to so mark them afterwards.

Goods of this class, if not so indelibly marked in condition imported, will be subject to the additional duty as provided but may be released upon being marked by the importer in a manner as nearly permanent or indelible as the nature of the article will permit, as, for example, by gummed labels or rubber stamp.

Container or Wrapper May Bear Mark.

10—When articles themselves incapable of being marked without injury are imported in bands, wrappers, or containers, or on cores of spools, such bands, wrappers, containers, cores, or spools shall be marked so as to indicate the country of origin.

11—Imported containers or wrappers intended to be filled with or used upon domestic products are to be marked as required by the act, but in order to avoid the possibility of origin other than Canadian being imputed to domestic products sold in such imported containers or wrappers because of the marking of the latter, the words "Container (or wrapper) made in ....." shall be used; *Provided*, That containers imported to be filled with Canadian produce and exported may be admitted without being marked with the country of origin, conditional on the importer certifying on the face of the entry for consumption that such containers are for use in the preparation of goods for exportation.

It will not constitute a non-compliance with the act, however, so as to involve the levy of the additional duty, if the word "Container" or "Wrapper" as provided in the preceding paragraph be not used in the marking of the goods as imported, but before release from customs, this additional marking will require to be done.

12—The name of the country or origin is required to be the English or French name of such country. Hence, for example, the use of the word "Nippon," which is the Japanese word, the English equivalent of which is "Japan," will not constitute a legal indication of country or origin on Japanese merchandise.

13—The name of a city, province, state, department, or other division of a country or origin will not be regarded as an indication of country or origin as required by the act.

For example, "Made in Saxony" will not be accepted as a compliance with the act, Saxony being a part of the country known as "Germany" nor will "Made in Massachusetts" be sufficient, that being one of the States of the country known as the "United States of America."

"Made in U. S. A.' will be accepted as a sufficient indication of the "United States of America" as country of origin.

"Made in England," "Made in Scotland," or "Made in Ireland" will, notwithstanding the above general regulations, be accepted as sufficient indication of "the United Kingdom of Great Britain and Ireland" as country of origin.

14—Fabric gloves, are in the opinion of the Department, capable of being marked without injury either by stamping or by means of gummed labels on the inside of the wrist where the brand or trade-mark usually appears.

15—Hosiery may be so marked upon the foot where the brand or trade-mark usually appears.

16—(a) Cloth and material in the web or roll shall be marked with an indication of the country of origin on one end of each web or roll and on the piece ticket.

(b) Carpets shall be marked with an indication of the country of origin by means of a protruding ticket attached to the edge of each roll at the center.

(c) Linoleums and oilcloths shall be marked with an indication of the country of origin on one end of each roll, either by stamping, stenciling or adhesive label.

17—(a) With respect to watch dials and watch movements imported attached as one article, it will be deemed to be sufficient compliance with the regulations if the required indication of the country of origin appears on the movement only.

(b) With respect to watches imported complete, it will be deemed sufficient compliance with the regulations if the movement and the case are each separately marked with the required indication of the country of origin.

(c) Watch movements 0 size (1 1-12 inches), or smaller, when marked "Swiss Made" or "U. S. A. Made" will be held to comply with the regulations, but when larger than 0 size to be marked in accordance with the provisions of the regulations, as, for example, "Made in Switzerland" or "Made in U. S. A."

(d) Watches and watch movements *bona fide* ordered prior to October 1, 1921, may be admitted marked as formerly, without regard to this law or the regulations thereunder, provided they are imported previous to July 1, 1922.

(e) The cases, dials, and movements of clocks, whether or not assembled or attached, shall separately have country of origin cut, engraved, die sunk, painted or printed thereon conspicuously

and indelibly. This marking may be on inside of the case, the face of the dial, and the plate of the movement.

Wares Exempted from Marking.

18—The following goods will not be required to be marked with the indication of country of origin, viz:

I. Metallic goods which are not intended for sale to the consumer in the condition imported but which are merely raw material for use in the manufacture of articles in Canada, crude rubber, crude clay, hides and skins, raw furs, corkwood, unmanufactured marble and stone in the rough, broom corn and bristles, fiber, rags.

II. (a) Partly manufactured materials to be further manufactured or finished in Canada before passing to the consumer.

(b) Completely manufactured parts for incorporation into articles of Canadian manufacture before passing into use by a consumer.

(c) Provided that there shall be incurred in Canada at least 25 per cent of the total cost of production of the article going into consumption in Canada into the manufacture or construction of which such raw material or partly or completely manufactured materials or completely manufactured parts shall have entered.

(d) Partly or completely manufactured parts for use as repairs to articles made in Canada or imported and already indelibly marked with other country of origin.

And provided, that on every entry at customs of goods as described in this section a statement shall be placed by the importer certifying to facts sufficient to classify the importation within the provisions of this section.

19—The statute requires that the country of origin be indicated in the marking. Hence, the word "made," "produced," or "grown" may be used in the marking, to suit the circumstances.

20—Goods *bona fide* ordered prior to the 1st of October 1921, shall not be subject to the additional duty of 10 per cent *ad valorem* to be levied on the value for duty purposes, provided such goods are imported into Canada prior to the 1st of July, 1922, but such goods shall not be released from customs possession until they have been marked, stamped, branded, or labeled with an indication of the country of origin as required by the provision of the act, under customs supervision at the expense of the importer.

LATVIAN FREE PORTS ACT.

1. With a view to stimulating Latvian commerce, industry, and shipping, as well as international transit trade via Latvia,—free ports shall be established in Latvia.

2. Free ports shall constitute an enclosed area, with all required water spaces, where goods shall be loaded, unloaded, and stored, buildings and storehouses erected, and dockyards and factories established.

3. With respect to excise, trading licenses, customs and communal dues,—free ports shall be considered ex-territorial. Business transactions executed within the precincts of free ports shall abso be exempt from stamp dues.

4. Free ports in Latvia may be established and exploited by the Government under its own management, or their establishment and running may be entrusted to urban municipalities, exchange committees, or to monopole concession holders. Foreign capital shall not be excluded from participation; also the Government may take an active part in such establishment or management, or merely exercise its right of supervision. The territorial confines of each separate free port, the mode of establishing and managing the same, also all regulations or agreements in regard thereto, shall be subject to confirmation by the legislative institutions.

5. Shareholders and partners in companies formed for the purpose of establishing and running such free ports,—provided they are foreign subjects, and live abroad—shall be exempt from payment of the income tax on dividends accruing to them out of the profits of the same companies.

6. Concessions for the establishment and management of free ports shall be granted for certain stipulated periods.

7. Police duty in the area of the free ports is to be carried out in accordance with a special instruction which shall be issued by the Minister of Interior, conjointly with the Board of Management of the Free Port.

8. Officials of local customs institutions shall have free access at any time to all parts of the free port; likewise they shall be entitled, in conformity with the customs regulations of Latvia, to search all persons leaving or entering the precincts of the free port. To guard the confines of the free port, both the land and the water boundary,—shall be the duty of local customs institutions.

9. Merchandise of Latvian origin imported into free ports shall rank as merchandise to be exported abroad, unless intended for purposes mentioned in Par. 20. In the event of such merchandise being returned to Latvia, such merchandise shall be exempt from the payment of import duty, and import duty already paid shall be refunded, provided proof is produced of its Latvian origin. If, in connection with such merchandise entering the free port, the Latvian Government has paid any premiums (such as export premium, excise, bounty, etc.) such premiums shall be refunded to the Government on the merchandise being returned from the Free port into Latvia.

10. Customs formalities in the free port shall be carried out during ordinary business hours,—or also after business hours, against stipulated overtime payment.

As regards mails and passengers' luggage, customs officials shall attend to same at any time, immediately after the arrival of such luggage, without any special remuneration.

11. Shipping and railway traffic, as well as goods traffic, in the area of the free ports shall be regulated by special by-laws which the Board of Management of the free port shall submit to the respective Ministry for confirmation.

12. All vessels arriving at, and leaving the free port shall have a manifest in which the cargo should be specified as to kind, number, packages, marks, numeration, and destination. Goods entering the free port from shore, or leaving it inland, shall be accompanied by the required shipping documents.

13. Working hours in the free port in connection with loading and unloading of merchandise, its sorting, storing, and other handling, are not subject to any limit—provided such work does not imply customs formalities.

14. The buildings within the precincts of the free port may not be used as dwellings. For persons constantly employed in the free port, only offices, guard rooms, and eating houses may be installed.

15. Retail trade shall not be permitted in the free port. The supply foodstuffs and other articles to the shipping in the port as well as the trading with eatables in general in the free port, shall be carried on in accordance with a special instruction, which is to be prepared by the Management of the free port, and confirmed by the Ministry for Commerce and Industry.

16. The management of the free port may grant to firms and persons, store houses and storing space for their permanent use. The holders of such storing accommodations shall be bound to keep books from which it would be possible to ascertain the character and the quantity of the goods in the store. The customs authorities shall have the right to inspect such books, and to ask for particulars in writing.

17. The import of goods into the free port is subject to no limitation, with the exception of explosives and war materials, the import of which into the free port is prohibited.

Dangerous merchandise, such as inflammable liquids and oils, corrosive acids, and similar goods which might damage the accommodations or any plants of free port, or other merchandise in the port, as well as goods which might be dangerous from the point of view of spreading contagious diseases, shall be imported and stored in the free port in conformity with special regulations which shall be elaborated by the management of the free port, and confirmed by the Ministry of Commerce and Industry.

18. Any merchandise stored in the free port may be shipped abroad, or to other Latvian free ports, by water or by land, without payment of any customs duties. Goods addressed to Latvia, on leaving the free port shall be subject to customs duty in accordance with the existing customs laws.

19. The carrying on of industrial enterprises which are opposed to the interests of Latvian industry, or may be detrimental to the port or the goods in it,—shall not be permitted in the free port.

20. In repairing or extending the port, or buildings and erections appertaining to the port, not only materials of Latvian origin may be used, but also materials of foreign origin, without payment of any customs duties.

21. The highest limits of the rent or pay for the use of buildings, storing accommodations, and other appliances in the free port, as well as the highest admissible limits of all dues and fees chargeable in the free port, shall be fixed by the Management of the free port and periodically submitted to the Ministry of Commerce and Industry for confirmation for a certain period.

22. Persons engaged in illicit trade (par. 15) or guilty of importing prohibited merchandise as mentioned in par. 17,—provided their offense is not prosecuted under the provisions of ordinary law, shall be subjected to a fine up to 3,000 gold francs, and such prohibited merchandise shall be confiscated. A fine not exceeding 1,000 gold francs shall be imposed upon persons infringing the general rules laid down for observance in the free port. In case the offense is repeated, the guilty persons shall be expelled from the free port without the imposition of the abovementioned fines.

23. The holders of offices, buildings, and storing accommodations in the free port, who have infringed the provisions of

paragraphs 15 and 17, shall forfeit their right of occupying such buildings and accommodations, and shall be bound to leave their premises in the free port without delay.

24. The fines mentioned in par. 15 and 17 shall be imposed by administration authorities, the procedure of such imposition to be fixed by regulations or agreements which must be sanctioned by the legislative institutions as provided in par. 4. Appeals against the imposition of any fines shall be heard by administrative courts.

RECENT DECISIONS.

I. CANADA.

SERVICE.

Under O. XI., r. 1 (e), of the R. S. C. of British Columbia (which is in the same terms as the corresponding English rule) the Court or a judge has power to grant leave to serve notice of a writ of summons outside the jurisdiction when the action is for damages for breach of a contract if there is reasonable evidence of a concluded contract and a breach of a real and substantial term of it within the jurisdiction.

Upon the repudiation by the buyers under a contract for the sale of ships to be delivered within the jurisdiction but to be paid for outside the jurisdiction, the refusal to accept delivery is a breach of a real and substantial term. Judgment of the C. A. affirmed. Johnson v. Taylor Bros. & Co., (1920) A. C. 144 distinguished. Hemelryck v. William Lyall Shipbuilding Co., Ld. (1921) 1 A. C. 698; 90 L. J. (P. C.) 96; 125 L. T. 133.

CORPORATIONS.

A co. incorporated by the Dominion under the Companies Act of Canada (R. S. Can., 1906, c. 79), with power to trade in any Province may, consistently with ss. 91 and 92 of the British North America Act, 1867, be subject to Provincial laws of general application, such as laws imposing taxes, or relating to mortmain or requiring license for certain purposes, or as to the form of contracts; but a Provincial Legislature cannot validly enact for the enforcement of such laws sanctions which if applied would sterilize or destroy the capacities and powers which the Dominion has validly conferred.

Accordingly the Extra-Provincial Corporations Act (R. S. Ont., 1914, c. 179), the Companies Act (R. S. Man., 1913 c. 35), and the Companies Act (Stat. Sask, 1915, c. 14), so far as they purport to preclude Dominion trading cos. from carrying on their business in the Provinces unless registered or licensed thereunder, or subject such cos. to penalties for so carrying on business are *ultra vires*.

Section 29 of the Companies Act of Canada (R. S. Can. 1906, c. 79), which purports to enable a Dominion co. to acquire and hold real estate requisite for the carrying on of its undertaking, does not prevail against a severable provision of a Provincial Legislature restricting the power of corporations generally to acquire and hold land in the Province. Accordingly, the Mortmain and Charitable Uses Act (R. S. Ont., 1914 c. 103) is valid, but the provisions of R. S. Man., 1913 c. 35, and R. S. Sask., 1915, c. 14, as to the holding of land by Dominion cos., are invalid, since the provisions are not severable from the invalid provisions referred to above.

John Deere Plow Co. v. Wharton (1915) A. C. 330 discussed and applied. Judgments of the Supreme Court of Canada and of the Supreme Court of Ontario (Appellate Division) reversed. Great West Saddlery Co. v. The King. (1921) 2 A. C. 91; 90 L. J. (P. C.) 102; 125 L. T. 136; 37 T. L. R. 436.

MARRIAGE .

The Civil Code of Quebec, by Arts. 124, 125 and 126, expressly prohibits marriage between persons who are related to one another as therein specified, and by Art. 127 provides: "The other impediments recognized according to the different religious persuasions as resulting from relationship, or affinity, or from other causes, remain subject (*restent soumis*) to the rules followed in the different churches and religious communities."

In 1904 the appellant and respondent, who were Roman Catholics, were married to one another in a Roman Catholic church in Quebec. In 1910, upon an application by the respondent, the husband, the Roman Catholic bishop of the diocese decreed that the marriage was null and void on the ground that the parties being cousins of the fourth degree, their marriage without a dispensation was contrary to a rule of the Roman Catholic church. The relationship of the parties was not impediment specified by the Code. The husband brought an action in the Superior Court and obtained a declaration that the marriage was null and void, that decision being based upon the ecclesiastical rule above mentioned and Art. 127 of the Code:—

Held, that the marriage was valid, since Art. 127 did not alter the law, and immediately before the passing of the Code no ecclesiastical authority had power to prohibit parties from contracting the civil status of marriage.

Article 127 has no bearing upon any inherent incapacity of the parties to contract a valid marriage, but only preserves the right of each religious communion to recognize the impediments which exist according to the faith, and justifies the refusal of a minister of that communion to solemnize any marriage which offends against its rules. Judgment of the Superior Court reversed. Despatie v. Tremblay—J. C. (1921) 1 A. C. 702; 124 L. T. 674; 37 T. L. R. 395; 90 L. J. (P. C.) 121.

II. EGYPT.

JUDGMENT.

A change in the status of nationality during the continuance of a suit does not affect the rules governing the jurisdiction. Consequently, a final judgment rendered by a Native Tribunal in a partition suit brought before it by a plaintiff born on a Turkish territory ceded to Greece is valid, because plaintiff's Greek nationality was not recognized by Egyptian government until an understanding to that effect was published in "Journal Officiel" on October 19, 1918, before the judgment but after the commencement of a suit. Hoirs Panayotti Chryssafi v. Mohammed Ismail Moussa et al. Gaz. des trib. Mix. D'Eg. No. 133, p. 5.

JURISDICTION.

No exception to lispendens or to the matter affecting the procedure followed before one of the two jurisdictions existing in Egypt or the decisions rendered by one of these tribunals may be taken before another tribunal: consequently, the jurisdiction of Mixt Tribunals can not be invoked to obtain an injunction against a suit pending before the Native Tribunal affecting the status of one of the parties.

When the national status of a party in question is clearly established in regular proceedings, which determination made by a court having jurisdiction of the matter is not set aside or modified and when the legal propositions involved in the suit concern the Mussulman Law and are grounded on the provisions of the Mussulman Personal Statute the jurisdiction of Mixt Tribunals may and must prevail over an injunction based on Article 4 of Code Civil. Aziz Bahari v. Selim Chedid et Cts. Gaz. des Trib. Mix. D'Eg. No. 133 p. 11.

The Mixt Tribunals have no jurisdiction to adjudicate in a suit concerning native decedent estate where both parties are natives, though there are foreign creditors of the decedent's estate and the settlement of the estate presents questions involving both native and foreign nationals. Ghali Theodoros v. Liq. de La succession de feu Theodore Rezeik. Gaz. des Trib. Mix D'Eg. No. 133 p. 15.

NATIONALITY.

The Egyptian Mixt Tribunals may accord to a "raya" the benefit of Greek nationality, after he has established that the government of Egypt has treated him as a Greek citizen in accepting him as a foreign member of an Administration Mixt Commission. Cts. Zochich v. Cts. Dori. Gaz. des Trib. Mix. D'Eg. No. 133, p. 9.

III. GREAT BRITAIN.

ALIENS.

Section 1, sub-s. 1, of the Aliens Restrictions Act, 1919, empowers the Home Secretary, for the period of a year, from December 23, 1919, to deal with the deportation of aliens, whether "the state of war or imminent national danger or great emergency" contemplated by section 1, sub-s. 1, of the Aliens Restrictions Acts, 1914, exists or not; and that section must be read as if it ran "His Majesty may at any time by Order in Council impose restrictions on aliens, and provisions may be made by the Order for the Deportation of aliens from the United Kingdom," and not as if limited by para. (k) to cases where the exercise of the power appears "necessary or experient with a view to the safety of the realm." Accordingly the Home Secretary is entitled in the exercise of his discretion to order the deportation of an alien who has on Oct. 14, 1920, pleaded guilty before a metropolitan police magistrate to offences against the Act of 1914, and sentenced to 14 days' imprisonment with a recommendation for deportation.

Although the sentence of 14 days' imprisonment expired on October 28, 1920, and the Home Secretary's Order was dated on the 29th, the alien may, by the operation of Art. 12 of the Aliens Order, 1920, and the directions under it of March 29, 1920, be properly detained in custody.

Rex v. Brixton Prison (Governor). *Ex parte* Sarno (1916) 2 K. B. 742; 14 L. G. R. 1060 explained. Rex v. Brixton Prison (Governor) *Ex parte* Bloom, 19 L. G. R. 62; 124 L. T. 375. 90 L. J. (K. B.) 574.

The Treaty of Peace Order, 1919, and ss. III. to VII. of Pt. X of the Treaty of Peace with Germany form part of the municipal law of this country.

Plaintiff having lost Prussian nationality in 1896 and not acquired nationality of a German state or other nationality:—

Held, not a German national within the meaning of s. IV. of Pt. IX. of the Treaty of Peace or the Treaty of Peace Order, 1919.

Statelessness is recognized by German municipal law. It is not unrecognized by the municipal law of this country. Dictum of Phillimore L. J. in re Weber (1916) 1 K. B. 283 questioned.

Whether statelessness is recognized in international law, *quaere*.

In re Weber (1916) 1 A. C. 421 and in re Liebmann (1916) 1 K. B. 269 distinguished. Stoeck v. Public Trustee (1921) 2 Ch. 67; 37 T. L. R. 666.

The expression "German nationals" in the Treaty of Peace with Germany and in the Treaty of Peace Order, 1919, includes all persons answering that description according to German law, even although for all other purposes the Courts of this country would refuse to recognize their German nationality. In re Chamberlains' Settlement. Chamberlain v. Chamberlain. 37 T. L. R. 966.

BILLS OF EXCHANGE.

Bills of exchange which were accepted before the war, and which became due after war was declared, were held by the drawer, who was resident in Germany, and was an enemy for the purpose of the Trading with the Enemy Acts. After the declaration of peace the holder sued the acceptors, claiming interest from the dates when the bills respectively matured:—

Held, that as there was no breach of duty in not paying the bills as long as the war continued, and as payment did not become legal until the declaration of peace with Germany on Jan. 10, 1920, interest was only recoverable from that date. Biedermann v. Allhausen & Co., 37 T. L. R. 662.

CRIMINAL SENTENCE.

Previous convictions in another country are properly taken into account in sentences here. Rex v. Ford C. C. A. 15 Cr. App. R. 176.

CUSTODIAN (ALIEN PROPERTY).

By reason of the Treaty of Peace Act, 1919, the Treaty of Peace Order, and the Treaty of Peace with Germany (which came into force on Jan. 10, 1920), the power conferred by section 5, sub-s. 2, of the Trading with the Enemy Amendment Act, 1912, on the Court to authorize the custodian to pay out of property paid to him in respect of an enemy's debts due by that enemy, has, so far as concerns pre-war debts due by German nationals to British nationals, come to an end. Payment of such debts can only now be made through the clearing office, established under S. III of Pt. X of the Treaty. In re Nierhaus (1921) 1 Ch. 269. 36 T. L. R. 425.

The provision contained in sub-s. 3 of section 1 of the Trading with the Enemy Amendment Act, 1916, giving priority of payment to unsecured creditors who are not enemies continues in force after the coming into operation of the Treaty of Peace signed at Versailles on June 28, 1919. The date at which the enemy or non-enemy character of creditors is to be determined is the date of the winding-up order. In re Deutsche Bank (London Agency (No. 1) (1921) 2 Ch. 30; 37 T. L. R. 559.

An action was brought to recover a debt by a firm consisting of two French subjects and a German subject, and a sequestrator was subsequently appointed in respect of the property of the German plaintiff.

Held, that as the German subject was not residing or carrying on business in an enemy State the action was maintainable, and the sequestrator was not a necessary party.

In re Sutherland (Duchess). Bechooff & Co. v. Bubna 65 S. J. 513.

By a vesting order made on August 24, 1921, under section 4 of the Trading with the Enemy Amendment Act, 1916, it was ordered that the right to receive dividends "now due and to accrue due" on certain shares belonging to Germans in Germany of an English Co. should vest in the custodian under the Trading with the Enemy Amendment Act, 1914, and that he should be at liberty to transfer the shares into his own name. The shares were transferred on March 12, 1917. From time to time since the outbreak of the war with Germany resolutions were passed by the directors declaring dividends, in each case subject to a condition that as regarded members of the company resident in Germany, Austria and Turkey the dividend should be payable only out of assets in Germany, and as regarded members resident elsewhere out of assets in England:—

Held, that the resolutions were valid as declarations of dividend but invalid so far as they imposed the condition.

On a claim by the custodian to be paid all the dividends it was proved that a share-holder had paid to himself out of assets in his power in Germany the amount of dividends declared on his shares.

Held, as regarded dividends declared before the making of the vesting order, that the custodian was entitled to succeed in his claim; by Russell J. on the ground that as it would have been illegal, under the Trading with the Enemy Act, 1914, for the company to pay the shareholder or authorize him to pay himself, the payment was no answer to the custodian's claim, and, therefore, that under the words of the vesting order the custodian was entitled to all the dividends as "due and to accrue due"; by the Court of Appeal, on the ground that the case fell within section 2, sub-s. 1, of the Trading with the Enemy Amendment Act, 1914.

Held, also, that no acquiescence on the part of the custodian in the payment by the company of the German shareholders out of the German assets which would disentitle him to succeed in his claim had been proved.

Held, further, as regarded the dividends paid after the making of the vesting order and the entry of the name of the custodian in the register of the company that there was no answer to the custodian's claim.

Debentures outstanding were not included in the vesting order.

Held, that under section 2, sub-s. 1, of the Trading with the Enemy Amendment Act, 1914, and section 1, sub-s. 1, of the trading with the Enemy Amendment Act, 1915, the custodian was entitled to the interest and any capital moneys which had become payable thereon since the outbreak of the war. In re Aramayo Francke Mines, Ltd. (1921) 1 Ch. 675. 37 T. L. R. 340; 90 L. J. (Ch.) 258. 125 L. T. 3.

The business of the London agency of an Austrian bank was being wound up by a controller pursuant to an order under s. 1, of the Trading with the Enemy Amendment Act, 1916. The Agency was owed a debt by a German bank, property belonging to which or in which that bank was interested had been vested in the custodian by orders under the Trading with the Enemy Acts. Upon an application by the controller for direction to be given, under sub-s. 1, or sub-s. 2 of the Trading with the Enemy Amendment Act, 1914, to the custodian to pay the debt:—

Held, that the power of the Court under either sub-section—if its jurisdiction continued after the Treaty of Peace with Germany came into force, as to which, *quaere*—was discretionary and ought not to be exercised in the circumstances. In re National Bank fur Deutschland. In re Anglo-Austrian Bank (London Agency) (1921) 1 Ch. 284; 90 L. J. (Ch.) 15; 123 L. T. 647.

Where a German domiciled in Germany died entitled to a debt from an English firm due before the war, which, under the provisions of the Treaty of Peace Order, 1919, can only be paid through the Clearing Office, and that debt is his only asset in England, administration to his estate, confined to that debt, may be granted to the Controller of the Clearing Office under section 73 of the Probate Act, 1857 (20 & 21 vict. c. 77) without notice to any other persons. In re Bluhm (1921) P. 127; 90 L. J. (P.) 94; 37 T. L. R. 124 L. T. 829.

JUDGMENT.

A valid foreign judgment in *personam* cannot be enforced in England in (*inter alia*) the following circumstances:—

(a) If it is contrary to public policy—e.g., by recognizing the right of an illegitimate child to perpetual maintenance against the putative father and his estate.

(b) If the cause of action is unknown in England—e. g., the right to a posthumous affiliation order.

(c) If the judgment is not final and conclusive as to the amount payable—e. g., if the maintenance can be varied or terminated according to the child's circumstances.

Rousillon v. Rousillon (1880) 14 Ch. D. 351 applied as to (a) De Brimont v. Penniman (1873) 10 Blatchford's Circuit Court Reports 436 applied as to (b) Nouvion v. Freeman (1889) 15 App. Cas. 1 as interpreted by Harrop v. Harrop (1920) 3 K. B. 386 applied as to (c). In re Macartney. MacFarlane v. Macartney, (1921) 1 Ch. 522; 124 L. T. 658; 90 L. J. (Ch.) 314.

MARRIAGE.

A marriage at the chapel of the British factory at St. Petersburg, Russia, by the chaplain of the rectory, according to the rites and ceremonies of the Church of England, was sufficiently proved by production of an entry in the marriage register of the diocese of London, which purported to be an entry of such marriage certified as a true copy of an entry in the marriage register book of the British factory at St. Petersburg by the acting chaplain to the Russian Company. Higgs v. Higgs, 124 L. T. 382, 36 T. L. R. 690.

PRINCIPAL AND AGENT.

During the late war the export of goods from Russia to foreign countries was controlled by the late Imperial Russian

Government and its successor, the Provisional Government, as follows: A license to export goods was granted to a Russian merchant on his undertaking to pay the proceeds of sale of such goods in the currency of the foreign country to the agent in that country of the Russian Government, and the Russian merchant then became entitled to receive from the Russian Government the equivalent in roubles of the money so paid to the foreign agent of the Russian Government. In 1917 the plaintiffs in each action under such a license and undertaking exported timber to their agents in England, who sold the timber to the British Government, and on the instructions of their principals (the plaintiffs) paid the purchase money to the defendants, Baring Bros. & Co., who were the bankers in London of the Russian Government. In the first action the money was so paid a few days before and in the second action, a few days after Nov. 7, 1917, on which date the Provisional Government was overthrown by the Soviet Revolution and ceased to exist. The plaintiffs in each action, not having received from the Russian Government the equivalent in roubles of the money which they had so paid to the defendant bankers (who still held the moneys), sued the latter for repayment of the moneys, alleging that both the bankers and the Russian government were merely agents and trustees for them. After the commencement of the actions the Attorney-General was added as a defendant to each action at the request of the British Government which was a large creditor of the late Russian Government:—

Held, in both actions that the repayment of the money to the bankers was equivalent to payment to the Russian Government, and that the money if it could be recovered at all could not be recovered from the bankers, who were agents, but only from the Russian Government itself.

Held, further, in the second action, (a) that as the money paid to the bankers was money paid in pursuance of an antecedent legal obligation, subsisting at the time of the payment, it was not money paid under a mistake of fact, and was therefore not recoverable; and (b) that having regard to the recent trade agreement between the British Government and the Soviet Government, the action was premature.

Archangel Saw Mills, Ld. v. Baring Bros. & Co., and Atty.-Gen. Steam Saw Mills v. Baring Bros. & Co., and Atty.-Gen. 37 T. L. R. 857.

SALES.

The sellers sold to the buyers a quantity of beans in bags per steamship Luzo "afloat" from Portugal, payment in London by cash against documents on arrival of steamship. In fact the vessel had, without the knowledge of either sellers or buyers, arrived and discharged the goods before the date of the contract. The buyers took up the documents and then discovered that the vessel had already arrived and discharged her cargo:—

Held, that the word "afloat" was used in reference to the goods and not to the ship and was intended to be a condition and not a mere warranty, and therefore the buyers were entitled to reject the goods and to recover the money which they had paid for them. Benabu & Co. v. Produce Brokers' Co., Ld. 37 T. L. R. 851.

TAXATION.

By section 43 of the Finance Act, 1916, if any person who has paid, by deduction or otherwise, United Kingdom income tax for the current income tax year on any part of his income at a rate exceeding 3s. 6d. proves to the satisfaction of the Special Commissioners that he has also paid any colonial income tax in respect of the same part of his income, he shall be entitled to repayment of a part of the United Kingdom income tax paid by him equal to the difference between the amount so paid and the amount he woud have paid if the tax had been charged at the rate of 3s. 6d.

A Scottish company incorporated under the Companies Act and carrying on business in the United Kingdom and in the Colonies, having paid United Kingdom income tax at the current rate of 5s. per £, proved that it had paid Colonial income tax at the rate of 1s. 6d. per £ on that part of its Colonial profits of a corresponding amount of United Kingdom income tax:—

Held, that the company in paying the dividend for the then current year on its preference stock, was entitled to deduct from that dividend United Kingdom income tax at the rate of 5s. per £, and was not bound or entitled to deduct at the net rate to be ascertained by taking into account the amount of the tax repaid to the company under section 43 of the Finance Act, 1916.

Rover v. South African Breweries (1918) 2 Ch. 233 overruled. Interlocutor of the Second Division of the Ct. of Sess. in Scotland affirmed. Scottish Union and National Insurance Co. v. New Zealand and Australian Land Co., (1921) 1 A. C. 172; 124 L. T. 225; 89 L. J. (P. C.) 220.

Shares in a foreign trading company are foreign possessions within Case 5 of Sch. D under section 100 of the Income Tax Act, 1842, and are not foreign securities within Case 4 of that schedule. Therefore the duty to be charged under the Income Tax Acts and section 5 of the Finance Act, 1914, in respect of the dividends arising from those shares is to be computed on the average of the three preceding years.

The effect of cl. (b) of section 5 of the Finance Act, 1914, is to exclude from taxation income which was paid or became due before April 5, 1914, but not to exclude it from the computation necessary to arrive at the amount of the tax on the three years' average.

Decision of the C. A. (1919) 2 K. B. 94 affirmed. Singer v. Williams (1921) 1 A. C. 41; 89 L. J. (K. B.) 1218; 123 L. T. 625; 36 T. L. R. 659.

Where trustees hold shares in a foreign company on behalf of a foreign subject domiciled abroad, the fact that they themselves are domiciled and resident in the United Kingdom does not make them chargeable with income tax in respect of dividends on those shares not remitted to this country but paid direct to the beneficiary abroad. Decision of the C. A. (1919) 2 K. B. 108 affirmed. Williams v. Singer. Pool v. Royal Exchange Assurance (1921) 1 A. C. 65. 89 L. J. (K. B.) 1151 632; 36 T. L. R. 661.

WILLS.

An Englishman who had acquired a domicile in Chili executed a closed or secret will according to the provisions of the Chilean Civil Code before a notary public and five witnesses. By that code a closed will was deemed to include the cover which contained it, and that cover was the only document on which the names of the testator, the five witnesses, and the notary were signed together, the will itself being signed by the testator alone. This closed will, with the cover thus indorsed, was proved or registered in Chile, and letters of administration with the will, including the cover, annexed, were granted to the plaintiff in England, where the testator possessed real property:—

Held, following the reasoning in "In re Anne Almosnino (1859) 29 L. J. (P.) 46," that the indorsement on the envelope and the document therein enclosed constituted one testamentary disposition, and the testator had executed a will capable of passing his real estate in England. In re Nicholls. Hunter v. Nicholls (1921) 2 Ch. 11, 125 L. T. 55.

IV. INDIA.

JOINT FAMILY.

In a joint Hindu family the acquisitions of the members are joint property and partible, and, though property obtained by the possession of special "science" or "learning," not acquired at the expense of the patrimony, may be excepted, the presumption is in favor of partibility, and this presumption applies to the earnings of an Indian Civil Servant and Magistrate. Amar Nath and Another v. Hukam Chand-Nathu Mal 37 T. L. R. 335.

LEGITIMACY.

A father's acknowledgement of his son's legitimacy is by Mahomedan law of no avail, if, as a fact, there was no marriage of the parents. When once a good acknowledgement is established, the onus is on those who deny a marriage to negative it in fact. Till then it is on the claimant to prove the marriage. Habibur Rahman Chowdhury v. Altaf Ali Chowdhury. 37 T. L. R. 487.

MARRIAGE.

Divorce Courts in India have no jurisdiction to decree dissolution of a marriage between parties not domiciled in India, though the marriage was celebrated and the parties were resident in India, and the acts of adultery relied on were committed within the jurisdiction of the Indian Courts. Keyes v. Keyes (1921) P. 204; 37 T. L. R. 499; 124 L. T. 797; 90 L. J. (P.) 242.

V. UNION OF SOUTH AFRICA.

ALIENS.

The word "immigrant" in the expression "every male statute adult immigrant," in respect of whom medical fees are payable under section 50 of the Indian Immigration Act, 1891 (Natal), is to be interpreted in accordance with the definition of "Indian immigrant" in section 118 of that Act, and it consequently includes the descendants of an indentured Indian. Judgment of the Supreme Court reversed. Indian Immigration Trust Board of Natal v. Govindasamy (1921) 1 A. C. 433. 90 L. J. (P. C.) 38; 37 T. L. R. 128; 124 L. T. 643.

VI. UNITED STATES OF AMERICA.*

ALIENS.

Under Immigration Act §19 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ jj), and Immigration Rules 17, 22, regulating appeals from the orders of the Board of Special Inquiry excluding or admitting an alien, the jurisdiction of the board over the alien ceases when the alien is actually admitted before an appeal is taken, which would stay the order of admission, unless the

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alien is subsequently arrested on process, and any practice of the board to the contrary is invalid.

Where an alien, who has been admitted before an appeal was taken from the order of the Board of Special Inquiry, thereafter voluntarily returned on request of the board, such return did not render legal his subsequent detention by the board without process. *Ex parte* Chin Shue Wee, 272 F. 480.

An alien prostitute excluded from entry into the United States by Immigration Act, Feb. 5, 1917, 3 (Comp. St., 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ b), by express provision of section 19 of the Act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ jj), does not, by her marriage to an American citizen after her illegal entry, become a citizen or change her status as an alien, subject to deportation under said section. *Ex parte* Flores, 272 F. 783.

Immigration Act, Feb. 5, 1917, prescribing conditions for the entry of aliens into the United States, is applicable to Chinese aliens entitled to enter under the Chinese Exclusion Laws.

The fact that a Chinese merchant has acquired a lawful domicile in the United States does not give him a status which entitles him as a matter of right to return after a temporary absence from this country or which bars his deportation under Immigration Act, Feb. 5, 1917.

Department of Labor rule 16, which provides that an absence not exceeding six months shall be deemed a temporary absence, within the meaning of Immigration Act, Feb. 5, 1917, 3, proviso 7 (Comp. St. 1918, Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ b), permitting aliens returning after a temporary absence to be admitted in the discretion of the Secretary of Labor, is not unreasonable or unfair, and its application to the hearing of a Chinese merchant seeking to return after an absence, of more than six months does not make such hearing unfair.

Readmission certificate issued to Chinese merchants on their leaving the country temporarily. are for the purpose of avoiding detention and to facilitate readmission of those who are entitled to return, but have no binding effect as adjudications of the right to return, either under the Chinese Exclusion Laws or under Immigration Act, Feb. 5, 1917.

Proceedings for the deportation of returning Chinese merchants are not unfair because the medical examinations were conducted by only one physician, instead of two as required by Immigration Act, Feb. 5, 1917, 16 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ i), where there was no showing that the rights of the aliens, had been in any way prejudiced thereby, and no attempt was made to dispute the medical examiner's finding that the aliens were afflicted with a disease which had been classified as contagious.

Under Immigration Act, Feb. 5, 1917, 3 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ b), excluding aliens afflicted with contagious diseases, and providing that the decision of the Board of Special Inquiry adverse to the admission of the alien shall be final, the classification by the Surgeon-General, in pursuance of the authority conferred upon him by section 16 of the Act (section 4289, ¼ i) of clonorchiasis as a dangerous contagious disease, is conclusive.

Since the immigration officers presumably performed only their duty in subjecting second-class oriental passengers to a medical examination, the failure to subject first-class passengers on the same vessel to a similar examination does not make the proceedings against the second-class passengers unfair, or deny them the equal privileges to which they were entitled under Treaty with China, Nov. 17, 1880, Art. 2, especially where the disease with which such passengers were afflicted was one most likely to be found among orientals. Hee Fuk Yuen v. White, 273 F. 10.

Though the burden is on the government to attack the right of a Chinese person who had been readmitted as a native-born citizen, to remain in the country, such burden may be sustained by the production of the evidence before the officials who admitted him, and the burden of establishing his right to remain by affirmative proof, imposed by Act May 5, 1892, 3 (Comp. St. 4317), is not affected by his admission.

Evidence on which a Chinese person was admitted into the United States as a native-born citizen which consisted of affidavits by himself and by others conflicting with each other in important details, held not to show satisfactorily the right of such Chinese person to remain in the United States. Doo Fook v. U. S. 272F 860.

A court is without authority to discharge an immigrant refused admission and held for deportation on the ground that he is likely to become a public charge, on his furnishing a bond conditioned that he will not become such charge.

A "person likely to become a public charge" is one whom it may be necessary to support at public expense by reason of poverty, insanity and poverty, disease and poverty, or idiocy and poverty.

A court in a *habeas corpus* proceeding can review the decision of immigration officers, made after a fair hearing, excluding an immigrant on the ground that because of his physical and financial condition he is likely to become a public charge, only for lack of an evidence to support it. Wallis v. U. S. *ex rel.* Mannara, 273 F. 509.

A Chinese person cannot object that the statute permitting her deportation after executive hearing was enacted after her entry into the country, since the nation has the inherent power to exclude or expel any class of aliens absolutely or on its own conditions.

In view of the provision of Immigration Act, Feb. 5, 1917, 38 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ u) saving from repeal the laws relating to Chinese except as provided in section 19 (section 4289 ¼ jj), which latter section provides for deportation of an alien engaging in prostitution after entry in the United States, which differs in that respect from the similar proviso in Immigration Act, Feb. 20, 1907, 43, a Chinese woman is not entitled to the judicial hearing granted by Chinese Exclusion Act, Sept. 13, 1888, 13 (Comp. St. 4313), before her deportation for prostitution after her entry, but may be deported after the executive hearing granted by the immigration laws.

Since the statute expressly provided for a summary hearing for the deportation of an alien, it is not necessary that the executive officers observe the technical rules of law and procedure that are accorded to parties in a criminal proceeding.

The fact that an alien was not represented by counsel at a preliminary examination does not make the hearing an unfair one, entitling her to release on *habeas corpus*, where she was represented by counsel at the final hearing and given full opportunity to examine and cross-examine witnesses.

In proceedings for the deportation of an alien, the inclusion in the record sent to the Commissioner of Immigration and the Assistant Secretary of Labor of letters and memorandum written before petitioner's arrest and not introduced at the hearing does not make the hearing unfair, since bad faith or improper conduct will not be imputed to executive officers because they acquainted themselves with former official action in the case.

The inclusion in the record of deportation proceedings of an irrelevant hearsay statement by an inspector does not render a hearing unfair, where there was ample evidence of legitimate character to support the finding, since it is inconceivable that the judgment of the Secretary of Labor was controlled by such irrelevant matter.

The credibility of the witnesses in proceedings for the deportation of an alien is for the Secretary of Labor to pass on, and his judgment cannot be questioned, so long as the evidence is sufficient to support his conclusion. Chin Shee v. White, 273 F. 801.

Act, Feb. 5, 1917, 4 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ bb), providing that an alien deported under the provisions of that act relating to prostitutes, etc., and thereafter attempting to return or enter the United States, shall be guilty of a misdemeanor, applies to an attempt to re-enter more than one year after the deportation, though another provision of the Act includes in the persons denied admission, persons deported and again seeking admission within one year without the consent of the Secretary of Labor.

Act Feb. 5, 1917, 4 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ bb), making it a misdemeanor for certain aliens, after being deported, to attempt to return to or enter the United States, is not ineffective as penalizing an attempt to do an act which is not in itself a crime, as the attempt is expressly made punishable, and is in itself a substantive offense, and not a mere attempt to commit another offense.

In a prosecution under Immigration Act, Feb. 5, 1917, 4 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4289 ¼ bb), for attempting to enter the United States after having been arrested and deported therefrom, it was immaterial that the warrant of deportation dated before the act of 1917 went into effect, purported to be based on such act, as the previous Act, Feb. 20, 1917, as amended by Act, March 26, 1910, contained the same provision.

On the trial of an alleged alien for attempting to enter the United States after being deported, a certificate of naturalization granted by a Canadian court under Revised Statutes of Canada, and certifying that defendant's husband had been naturalized as a British subject, was sufficient to show *prima facie* that at the date thereof he was a citizen of the Dominion of Canada. Mills v. U. S. 273 F. 625.

Act May 22, 1918, 1 (Comp. St. 1918, Comp. St. Ann Supp. 1919, 7628e), and the executive order issued thereunder, making it unlawful, "when the United States is at war," for an alien to enter the United States without a passport as therein required, held not to have become inoperative because of the ending of actual war and prior to an official declaration of peace.

The saving clause in Joint Resolution of March 3, 1921, terminating war-time acts on that date, that it shall not affect

prosecutions for previous violations, applies to violations of executive orders respecting passports, etc., made under Act, May 22, 1918, c. 81 (Comp. St. 1918, Comp. St. Ann. Supp. L918, 7628e-7628h) which by express terms of the Act are made criminal offenses. *Ex parte* Sichofsky, 273 F. 694.

New York.

The real property of a naturalized citizen, whose alien nonresident brothers were incapable of inheriting, passed to his heirs who possessed inheritable blood by virtue of citizenship. Rossi v. Gentile, 189 N. Y. S. 145.

COMMERCE.

Mississippi.

Where two motor trucks were sold in this state by an order through an agent of a foreign corporation and accepted by the foreign corporation in New Orleans, La., the transaction is in interstate commerce, and Code 1906, 935, Hemingway's Code, 4111, against doing business in the state without a license charter, is not applicable even though the soliciting agent resides in this state and receives, delivers, and demonstrates the trucks and receives part cash with written security for the balance within the state. City Sales Agency v. Smith, 88 So. 625.

New York.

A terminal road which switches indiscriminately for foreign and domestic cars is itself an instrumentality of foreign or interstate commerce subject at all times to the Safety Appliance Act of Congress and the Act to regulate the hours of service, which must be obeyed by interstate carriers even in intrastate transactions, and also subject to the Employers' Liability Act of Congress (U. S. Comp. St. 8657-8665) when its employees do the things from which it gets its interstate or foreign character, that is, when switching or interchanging interstate or foreign cars.

A terminal railroad switching indiscriminately for foreign and domestic cars when handling interstate or foreign shipments is an instrumentality of interstate or foreign commerce subject to the federal Employers' Liability Act (U. S. Comp. St. 8657-8665), whether or not it knows that the particular cars are interstate or foreign.

Carloads of beef in course of transit from Buffalo to Montreal and thence to England, when passing over a terminal road and switching yard jointly operated by defendant railroads where the engine was derailed and plaintiff's intestate, a conductor in the service of one of the railroads, killed, held a shipment in foreign commerce though covered by an interline switching waybill which was superseded by bills of lading issued by a third railroad when it received the shipment; the character of the shipment being determinable by continuity of movement combined with unity of plan. Cott v. Erie R. Co., 231 N. Y. 67, 131 N. E. 737.

Pennsylvania.

Where a train contains one car in interstate commerce, the whole train is interstate commerce, as far as the liability of the railroad for injuries to employes is concerned, as the federal law supersedes the state law. Koons v. Philadelphia & R. Ry. Co., 114 A. 262.

CONTRACTS.

A contract employing an agent to sell a company's goods in a foreign country and to procure a loan from that country, if possible, in which there was no intimation that any influence, except legitimate salesmanship, was to be exerted, is not void as against public policy. J. E. Hanger, Inc., of Washington, D. C. v. Fitzsimmons, 273 F. 348.

CORPORATIONS.

Even though a foreign discount company was doing business in Tennessee, the fact that it had not complied with the laws of the state, in respect of conditions precedent to the right to do business in that state, did not forbid its recovery of sums collected by its borrower on accounts receivable of the borrower, assigned to the discount company as security for its discounting such accounts, which accounts the borrower was obligated to collect. Petition of National Discount Co., 272 F. 570.

Foreign corporations doing business in a state and having an agent therein, are within the jurisdiction of the state for the purpose of suit against them. Bethlehem Motors Corporation v. Flynt, 41 S. Ct. 571.

Alabama.

The pleadings and evidence showing that plaintiff was a foreign corporation, with its principal place of business without the state, and that its contract of conditional sale relied on for recovery was an Alabama contract, and failing to show that before the date of the contract it had done what under Code 1907, 3642, and Const. 1901, 232, it was necessary for it to do before it could do business in the state, it cannot recover. Cable Piano Co. v. Estes, 89 So. 372.

Indiana.

In action by a foreign corporation on a judgment, a plea in abatement that the corporation's existence had been terminated by failure to make reports in the state of its domicile held bad. Knotts v. Clark Const. Co., 131 N. E. 921.

Kentucky.

Strictly speaking, there is no such thing known to the law as the creation of a single corporation by two or more states or sovereignities.

Though different states may create under their own laws corporations having the same name, the same powers, the same management, and with their principal offices in one of the creating states, the result is not the creation of a single corporation in all of the states, but of a separate and distinct corporation in each state, each of which is a citizen and resident, or inhabitant of the state by or under the laws of which it was created.

Whether the method by Constitution or statute for the domestication of foreign corporations is intended to create a new corporation, or only to confer certain powers upon the foreign corporation, is a question of intention to be gathered from the language of the constitutional or statutory provision.

It must appear from the language of the constitutional or statutory provision for domestication of foreign corporations that the purpose was to create the corporation anew, and confer upon it all the powers usually exercised by similar domestic corporations, and to reserve to the state the power to exercise such authority over the corporation as is usually exercised over its originally created and wholly domestic ones before such intention will be inferred.

Under Const. 211, providing that no foreign railroad corporation shall have the right of eminent domain or power to acquire real estate until it shall have become a body corporate, pursuant to and in accordance with the laws of this commonwealth, and Ky. St. 765, providing that no such corporation shall have such rights until it shall have become organized as a corporation under the laws of this state, which it may do by filing its articles of incorporation, a foreign corporation complying with section 765, for the purpose of acquiring the right of eminent domain and the power to acquire and hold real estate, does not lose its foreign identity, or become amenable to the payment of the organization tax imposed upon the organization of domestic corporations by section 4225. Vaughan v. Nashville C. & St. L. Ry., 232 S. W. 411.

Massachusetts.

An officer's return of service on a foreign association, certifying that he had made a nominal attachment and delivered a summons with an attested copy of the writ, to "C., as its agent," will be construed as meaning that the officer knew C. to be defendant's agent.

Service on a foreign corporation, by making a nominal attachment and delivering a summons, with an attested copy of the writ, to its agent, was insufficient, under Rev. Laws c. 167, 36, St. 1908, c. 332, and St. 1913, c. 257, where the officer's return did not show that the person served was the agent of the corporation in charge of its business.

Where the officer's return of service on a foreign corporation showing delivery of a summons, with an attested copy of the writ to the corporation's agent, did not show that he was the agent in charge of its business, it could be amended by the officer with the permission of the court to show this fact, if known to him to be true. United Drug Co. v. Cordley & Hayes, 132 N. E. 56.

Mississippi.

Foreign corporations have the right to do business in this state both by the comity of nations and by Code of 1906, 914 (Hemingway's Code, 4088).

The failure of a foreign corporation doing business in this state to file a copy of its charter with the Secretary of State as required by Code of 1906, 935 (Hemingway's Code, 4111) does not withdraw from it the recognition of its status as a corporation. Springfield Grocery Co. v. Devitt, 88 So. 497.

Where a suit is filed by the state against non-resident corporations for penalties for violating the anti-trust statutes, and resident agents of such companies are made defendants, and have effects of the non-residents in their possession or under their control, they cannot defend on the ground that such funds are trust funds, and not debts due their principals. If the funds which they hold belong to the non-residents they are subject to attachment and garnishment. Nugent & Pullen v. Robertson, 88 So. 895.

Missouri.

A foreign corporation which contracted with a Missouri corporation to install a 25-ton daily capacity ice-making plant, being required to undertake construction work in the state, hire labor, etc., though the ice-making machinery was purchased in other states and shipped into Missouri, was engaged in a local operation and was within Rev. St. 1909, 3027-3040 requiring a foreign corporation to take out license in the state before doing

business therein, no question of interstate commerce being involved. National Refrigerator Co. v. Southwest Missouri Light Co., 231 S. W. 930.

Montana.

Rev. Codes, 16, requiring the secretary of state to collect upon the filing of a certificate of increase of capital stock, specified fees in proportion to the amount of stock without providing any reasonable maximum charge to be imposed without reference to the total capital stock, is invalid as applied to a foreign corporation employing only a portion of its capital stock within the state. J. I. Case Threshing Mach. Co. v. Stewart, 199 P. 909.

Rev. Codes, 16, requiring the secretary of state to collect upon the filing of any certificate of increase of capital stocks certain fees based upon the amount of stock, violates the due process clause of Const. U. S. Amend. 14, as applied to a foreign corporation only a small part of whose capital stock is represented by property owned and business transacted within the state, though all of its business within the state is intrastate. General Electric Co. v. Stewart, 199 P. 911.

Nebraska.

Service upon auditor of public accounts, under Rev. St. 1913, 725, held to confer jurisdiction over foreign corporation doing business in state. Buckley v. Advance-Rumely Thresher Co., 183 N. W. 105.

New Jersey.

It is not an interference with internal affairs of a Pennsylvania corporation for the Chancery Court of New Jersey to permit such corporation to maintain in New Jersey a suit to recover from an officer of such corporation who is a resident of New Jersey the value of assets of the corporation appropriated by the officer to his own use in violation of his trust duties, the additional circumstance that suit is instituted by a stockholder of the Pennsylvania company for the benefit of and in its right not entering into the inherent nature of the suit. Busch v. Riddle, 114 A. 348.

Where a traveling salesman took within the state an order for goods which the seller, a foreign corporation, could accept or reject, the contract of sale was consummated in the foreign state where the order was accepted.

A single sale made by a foreign corporation within the state does not constitute "doing business" therein within the statutes prescribing the conditions on which such corporations can do business. Wood & Selick v. American Grocery Co., 114 A. 756.

New York.

All that is requisite to a foreign corporation's doing business within the state for purposes of serving process under Code Civ. Proc. 432, is that enough be done to enable the court to say that the corporation is in the state.

A foreign corporation, which maintained an office in the City of New York in charge of a single agent, whose business was to solicit business for the corporation and send any orders to the home office in the other state for approval, though without power to extend the credit, collect or disburse money, etc., was doing business in the state, and service was properly made on the person in charge of its office as managing agent, under Code Civ. Proc. 432.

In order that jurisdiction may be obtained where a foreign corporation is a party, it is necessary that it either have property in the state or be doing business in the state, and that the process be served on an officer of the corporation, or if such service cannot be made, then service may be made on a person designated for the purpose as provided in General Corporation Law, 16, and, if there is no such person designated, on a cashier, director, or managing agent of the corporation within the state, under Code Civ. Proc. 432. Cochran Box & Mfg. Co. v. Monroe Binder Board Co., 188 N. Y. S. 697.

A foreign corporation which establishes a temporary office within the state during a fair, for the primary purpose of taking orders and for the sale of its goods, which orders were not to be binding until approved by the home office from which the goods were to be shipped, is "doing business within the state," so that service of process there on its secretary and treasurer is service on the corporation. Bogert & Hopper v. Wilder Mfg. Co., 189 N. Y. S. 444.

A foreign corporation maintaining no office in the state, but merely accepting orders taken by commission merchants doing business on their own account, was not doing business in the state, so that non-compliance with General Corporation Law, 15, would prevent actions on contracts based on the broker's orders. Eagle Mfg. Co. v. Arkell & Douglas, 189 N. Y. S. 140.

Though, on a motion to quash the service on a foreign corporation affidavits of the corporation's president and of the person served, stating positively that the person served was not the corporation's managing agent, might overcome affidavits to the contrary because the persons making them could not know the facts, where such affidavits were also met by affidavits showing that, in its advertisements, the corporation had represented to the public that it maintained a New York office in charge of the person served, and solicited their patronage on that basis, a question of fact was presented which should be resolved against the corporation. Dreher v. Western Doll Mfg. Co., 189 N. Y. S. 422.

When a foreign corporation sent its treasurer into New York state to make purchases of furniture, and the treasurer made such contracts, so far as such transactions were concerned, the corporation submitted itself to the local jurisdiction, and was present doing business within New York state, so as to authorize service of process on such treasurer, under Code Civ. Proc. 432, when in the state, to buy on another occasion. National Furniture Co. v. William Spiegelman & Co., 189 N. Y. S. 449.

That a foreign surety company was in the hands of a receiver in the state of its domicile does not, where it does not appear to have been dissolved, prevent action in a domestic court. New York Municipal Ry. Corporation v. Intercontinental Const. Corporation 189 N. Y. S. 621.

Tennessee.

Acts 1915, c. 101, 4, providing that each foreign construction, company with its chief office outside the state, operating or doing business in the state, directly or by agent, or by subletting contracts, shall pay a privilege tax of $150 per annum is restrictive, and applies only to such companies engaged in the business of constructing bridges or other structures of a public nature, and does not include companies not falling within such class. H. D. Watts Co. v. Hauk, 231 S. W. 903.

COURTS.

Missouri.

Federal Constitution, article 4, 2, does not forbid the courts of a state from enjoining residents thereof from maintaining an action in a foreign state for the purpose of evading the local exemption laws.

Where a Missouri debtor was employed by a corporation doing business both in Missouri and Kansas, a Missouri creditor may be enjoined from beginning an action in the Kansas Courts against its debtors by attachment, for the purpose of evading the Missouri exemption laws, for the injunction operates in *personam*, and is not an interference with the Kansas Courts, but is merely the exercise of the same power which equity possesses to enjoin an action at law in a domestic court.

Where a street railway company did business in both Missouri and Kansas, and an attorney for Missouri creditors undertook to evade the exemption laws by suing employes resident in Missouri in the courts of Kansas, a suit to enjoin the maintenance of such action may be maintained by the street railway company. Kansas City Rys. Co. v. McCardle, 232 S. W. 464.

CUSTOM DUTIES.

The owner of a bridge between United States and Canada has no standing in court to question the validity of regulations of the Secretary of the Treasury for the inspection of private conveyances or of personal baggage brought over the bridge.

Government inspection is an essential prerequisite to entry of imported goods, whether they are dutiable or not, since inspection is necessary to determine whether they are in fact nondutiable. International Ry. Co. v. Davidson, 273 F. 153.

CUSTODIAN (ALIEN ENEMY).

Under Trading with the Enemy Act, 9 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ e), providing that any person not an enemy or ally of enemy claiming any interest in property transferred to the Alien Property Custodian, or to whom any debt may be owing from an enemy whose property is so transferred, may file a notice of his claim, and that if the claimant shall file such notice and make no application to the President, he may sue in equity in the District Court for the district in which he resides, and section 12 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ ff), providing that any claim of any enemy or ally of enemy shall be postponed until after the end of the war, only a person who is not an enemy or ally of enemy may sue under section 9.

Federal courts have no jurisdiction of an action against the Alien Property Custodian under Trading with the Enemy Act, 9 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ e), to recover a debt due from an enemy whose property has been taken over by the Custodian, where the bill does not allege that plaintiff is not an enemy or ally of enemy. Garvin v. Kogler, 272 F. 442.

Under Trading with the Enemy Act, 7 as amended by Act, Nov. 4, 1918, 1 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ d), requiring any property, including choses in action, which the President determines belongs or is owing to an enemy not holding a license, to be delivered to the Alien Property Custodian, and section 9 (section 3115 ½ e), providing for claims to property so delivered to the Custodian, which was a war measure intended for an emergency, the Custodian is authorized to seize

property which he determines is alien owned, though it may ultimately appear that in fact it belonged to a citizen.

A bank, which pays a deposit to the Alien Property Custodian on the latter's demand, is protected against liability to the depositor by Trading with the Enemy Act, 7 (e), being Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ d, providing against liability for anything done in pursuance of any order under the authority of the act, so that the bank is not entitled to maintain a bill to require the Alien Property Custodian and the depositor to interplead to determine the rights to the deposit.

Under Trading with the Enemy Act, 7 (Comp St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ d), authorizing seizure of enemy property by the Alien Property Custodian, especially since its amendment on November 4, 1918, so as expressly to include choses in action, the Custodian has authority to seize a debt owing to an alien enemy not possessing a license from the President. American Exch. Nat. Bank v. Garvan, 273 F. 43.

A citizen of France could not intervene in a suit brought under Act, Cong., Oct. 6, 1917, known as the Trading with the Enemy Act, (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ a et seq.) to enforce a judgment against the owner of property in the hands of the Alien Property Custodian even though he presented equities, the Republic of France not having extended reciprocal rights to citizens of the United States, in view of section 9, as amended, subds. (e) and (f); and intervention could not be successful, unless the debt arose with reference to the money held by the Alien Property Custodian which claim must be filed with him after notice of claim had been made in accordance with subdivision (a).

In a suit under Trading with the Enemy Act, 9 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 3115 ½ e), where the fund was in the Treasury of the United States awaiting determination of the suit, foreign petitioners in intervention had no lien upon those funds, under Code Civ. Proc. N. Y. 1405, giving a lien on chattels subject to levy by execution from the time the execution is delivered to the officer, and have no interest in the fund, entitling them to intervene under equity rule 27 (33 Sup. Ct. xxviii), or enabling them as citizens of a foreign court to sue elsewhere than in the District of Columbia. Aronstam v. James, 273 F. 688.

DEATH.

Massachusetts.

An administrator appointed in New York for a resident of Massachusetts, killed in that state in railroad work, could sue in New York under the Federal Employers' Liability Act (U. S. Comp. St. 8657-8665), and compromise the estate's claim against the railroad for the death. McCarron v. New York Cent. R. Co., 131 N. E. 478.

Minnesota.

An action may be maintained in this state to recover on a claim for wrongful death of a non-resident of the state, suffered out of the state. State v. Probate Court in and for Hennepin County, 184 N. W. 43.

DEPOSITIONS.

New York.

Plaintiff, a resident of Iowa, and transferee of notes given by defendant to a manufacturing company in Iowa, brought suit on the notes in New York. Defendant alleged that the notes were procured by fraud, and that plaintiff, with knowledge of the fraud, had taken a transfer of the notes as a party of a general scheme to collect notes taken by such company on the ground of *bona fide* purchase. Held, that plaintiff's affidavit for a commission to take depositions without the state should set out the circumstances of acquiring the notes, the price paid for them, etc., and a general averment in the affidavit of purchase for value in good faith, is not sufficient to show the good faith required in the application by Code Civ. Proc. 889. Pratt v. Lerman, 189 N. Y. S. 558.

DIVORCE.

The provision in a decree of divorce granted by a New York court prohibiting remarriage by the husband had no extra-territorial force, and constituted no bar to the marriage of the husband in Porto Rico. Fordham v. Marrero, 273 F. 61.

Arizona.

Where parties domiciled in Arizona went to New Mexico for the purpose of evading the restrictions provided by Civ. Code 1913, par. 3864, as amended by laws 1917, c. 54, forbidding remarriage for one year after divorce, and were there married, such marriage was not thereby rendered invalid in Arizona, the statute not in terms or by necessary implication declaring such marriage void. Horton v. Horton, 198 P. 1105.

Iowa.

If a foreign court granting an absolute divorce had no jurisdiction to award alimony, neither did it have jurisdiction to find the facts upon which alimony might have been awarded; hence a finding in such a judgment that defendant should contribute to the support of plaintiff was nugatory. McCoy v. McCoy, 183 N. W. 377.

Maryland.

The statute of a foreign state in which a decree of divorce was rendered, authorizing courts in granting such decree to make an allowance for the support of the child, does not affect the fathers liability to support the child, where the court did not exercise the authority thereby given, but entered a decree silent on the question of the child's support. Boggs v. Boggs, 114 A. 474.

Massachusetts.

Where a husband after separating from his wife, acquired a domicile in Illinois, an Illinois court had jurisdiction to grant him a divorce, valid in that state until impeached and revoked by the courts of that state, though the only notice to the wife was given by mail, and was not addressed to the place where the husband had reason to believe she was living and he made no effort to ascertain her address, and she had a good defense.

Where a husband obtained a divorce in a state other than that in which the wife resided, without legal notice to the wife, but the wife, after acquiring full knowledge of the divorce, in reliance thereon, married a man who, so far as known, is still living, and for over 25 years took no steps to assert her marital rights against the first husband, or to claim that he was her husband, she was estopped to deny the validity of the divorce after his death, for the purpose of obtaining an allowance from his estate as his widow. Parmelee v. Hutchins, 131 N. E. 443.

Minnesota.

In a former wife's proceeding in ejectment against her husband, held, that a foreign divorce decree so far as it bore on the marriage status of the parties was binding and that while it could not affect their rights in or to Minnesota real estate, it terminated all rights that he as husband, had in her property. Gummison v. Johnson, 183 N. W. 515.

Nevada.

Residence in the state for the statutory period of six months solely for the purpose of obtaining a divorce is not sufficient to give jurisdiction, but a *bona fide* residence with the intention of remaining must appear, and plaintiffs must bring themselves clearly and affirmatively within the jurisdiction of the court.

The mere fact that the main purpose of one in going to another state is to obtain a divorce will not prevent a divorce there if it is his or her purpose to remain permanently.

There is no rule of law which prevents one from changing his domicile in order to facilitate his obtaining a divorce, or to secure other advantages he may think the law of the new domicile may afford him, but the change must be a *bona fide* one to be effective. Walker v. Walker, 198 P. 433.

New York.

Where a divorce procured by a woman's former husband in Nevada was invalid, so that the marriage was not dissolved at the time she celebrated a marriage with a citizen of New York in Washington, D. C., the New York courts will grant him relief, although, if he had not been a citizen and the marriage had been valid where contracted, no relief would be granted.

Where a husband left the marital domicile, and in another state, on service by publication, procured a divorce for cruelty, such divorce will not, where the wife is a domiciled citizen in New York, be recognized in that state, for public policy will not permit the New York courts to give effect, as against citizens of the state, of a judgment affecting marital rights so obtained on grounds which in New York are thought insufficient; but the rule is otherwise where the contest is between spouses who have never been domiciled in New York.

Whether a decree of divorce rendered in a foreign state on service by publication is valid depends upon the effect given by the state in which the party so served is domiciled, and if the decree is there recognized as valid it is valid everywhere.

Where spouses were married in Missouri and also lived in Texas, and the husband thereafter left his wife and on constructive service procured a divorce in Nevada, and the wife later, in Washington, D. C., married a resident of New York, a judgment denying annulment of such marriage should be reversed and remanded; the evidence not showing clearly how the Texas courts ruled on such a divorce, and the findings justifying a doubt whether the wife was not in fact domiciled in Missouri, where the foreign divorce seemed to be recognized, and this is particularly true where the statutes and reports of Texas did not clearly show whether the divorce should be recognized or not. Ball v. Cross, 231 N. Y. 329; 132 N. E. 106.

EXECUTORS AND ADMINISTRATORS.

Massachusetts.

In view of Code Civ. Proc. N. Y. 2515, 2517, the right of action for death in New York of a resident of Massachusetts held an asset sufficient to give jurisdiction to the New York Surrogate's Court of the county where the death occurred to appoint

an administrator for such decedent although decedent left no other property in New York.

While ordinarily primary administration should be granted in the state of the intestate's domicile, it cannot be said that the courts of another state, having jurisdiction must necessarily wait for proceedings to be brought in the domiciliarly state, especially where the only assets in either state are a right of action for death under the Federal Employers' Liability Act (U. S. Comp. St. 8657-8665).

Where, on the death in New York of a resident of Massachusetts while employed in railroad work, the New York Surrogate's Court, having jurisdiction, appointed an administrator for decedent's estate, such appointment could not, in an action in Massachusetts against the railroad for decedent's death by decedent's brother, appointed administrator in Massachusetts subsequently to the appointment of the New York administrator, who had compromised with the railroad the claim for decedent's death, be collaterally attacked, on the ground of failure to give notice of the application for the New York letters to persons outside that state whose right to letters of administration might be superior to that of the applicant, who was the undertaker who buried decedent, and his only known creditor in New York. McCarron v. New York Cent. R. Co., 131 N. E. 478.

Minnesota.

An administrator may be appointed in this state where the only asset is a claim for the wrongful death of a non-resident suffered out of the state. State v. Probate Court in and for Hennepin County, 184 N. W. 43.

Texas.

Where the executor of an Oklahoma decedent engaged an attorney to probate the will, and the attorney resisted the contest interposed by the decedent's heirs, his claim for legal services may, where the assets in Oklahoma were exhausted, be made a charge against the personal estate in the hands of the ancillary Texas administrator, the executor having abandoned his application to be appointed administrator with the will annexed in the State of Texas, for the ancillary administrator bears the same responsibility as if he were the sole administrator or executor, and privity arises from his obligation to pay the debts of the estate, including the expenses of administration. Pendleton v. Hare, 231, S. W. 334.

Where a railroad employe was injured in Arkansas in interstate commerce on the lines of a Texas corporation, and was therefore entitled to recover under Act, Cong., April 22, 1908 (U. S. Comp. St. 8657-8665), but died pending suit, and administrator was properly appointed in the Texas County Court where deceased sued, although at the time of his death deceased was a non-resident of Texas and died in another state. St. Louis Southwestern Ry. Co., of Texas v. Smitha, 232 S. W. 494.

FOREIGN DRAFTS.

A foreign bank which was the holder of a draft against a letter of credit issued by a domestic bank to its customers for goods sold to the customer, cannot be limited in its right to recover on the draft to the rights of the seller to recover against the buyer for the goods sold. Bank of Taiwan v. Gorgas-Pierie Mfg. Co., 273 F. 660.

In an action against a bank, which refused to pay a draft drawn against a letter of credit issued by it, only the reason given by the bank for its refusal to pay can be considered.

Where the letter of credit issued by a bank required the draft to be accompanied by commercial documents showing that the silk was to conform to their design and the stripe was not to exceed 50 per cent. of the width of the material the omission from the documents presented of the required statement concerning the width of the stripe justifies the bank's refusal to pay the draft, since it cannot be required to determine whether such omission has any commercial significance, nor to construe the documents nor decide arguable questions. International Banking Corporation v. Irving Nat. Bank, 274 F. 122.

Massachusetts.

Where plaintiff paid defendant trust company $92,500, and received a draft or check on an Italian banking institution for 2,000,000 lire, the transaction was not executory, and did not establish a trust or agency, but was completed sale of a credit, evidenced by the draft, which was but a means of establishing or transmitting the credit.

Where plaintiff purchased from defendant trust company a credit of 2,000,000 lire evidenced by a draft on an Italian banking institution the dishonor of the draft by the drawee, on direction of the commissioner of banks, who had taken possession of defendants business, only entitled plaintiff to sue for damages for the breach of the obligations attached by law to the transaction, and did not entitle plaintiff to have the amount paid restored, in an action for money had and received, on the theory that the consideration had failed, or substantially failed.

Rev. Laws, c. 73, 9 (Gen. Laws, c. 107, 9), providing that, when a bill of exchange drawn or indorsed within the commonwealth and payable outside the United States is duly protested for non-payment, the party liable thereon, shall pay it at the current rate of exchange, with interest and damages at the rate of 5 per cent., though first enacted by St. 1825, c. 177, is rendered applicable to a check drawn within the commonwealth and payable outside the United States by Rev. Laws, c. 73, 202 (Gen. Laws, c. 107, 208), providing that a "check" is a bill of exchange drawn on a bank payable on demand, and that except as otherwise provided the provisions of certain sections applicable to a bill of exchange payable on demand apply to a check. American Express Co. v. Cosmopolitan Trust Co., 132 N. E. 26.

JUDGMENT.

Minnesota.

Where a judgment was rendered in Montana on a certificate of insurance issued by defendant to a resident of that state, and service was had on a state official as authorized by the Montana statute, the judgment of the Montana court was valid, notwithstanding that the contract of insurance was a Minnesota contract, such contract having its inception in the Montana business of defendant, and involving the rights of a citizen of that state. Benn v. Minnesota Commercial Men's Ass'n, 182 N. W. 999.

Nevada.

In husband's suit for divorce for cruelty, a prior decision in a suit in another state by the wife for separate maintenance, that the wife was not guilty of cruelty, was *res judicata* as to the issue of cruelty, where the identical matters were relied on in both suits to establish the wifes cruelty. Vickers v. Vickers, 199 P. 76.

NATURALIZATION.

Under Selective Service Law, 2, 4, (Comp. St. 2044b, 2044d), and the selective service regulations wholly excluding alien enemies from military service, an alien enemy's claim of exemption on the ground of alienage did not show that he was not attached to the principles of the Constitution and well disposed to the good order and happiness of the country as required by Naturalization Law, June 29, 1906, 4 (Comp. St. 4352), since the mere claiming of an exemption established by law was not an act of disloyalty, and no different rule applies to alien enemies.

A claim of exemption from military service under the Selective Service Law by an alien, not an enemy who had declared his intention to become a citizen, and who was not entitled to the exemption claimed indicates that he was not attached to the principles of the Constitution and not well disposed to the good order and happiness of the country, as required by Naturalization Act, June 29, 1906, 4 (Comp. St. 4352).

In the absence of any express statutory provision to that effect, and in the absence of a formal declaration by an alien withdrawing his declaration of intention to become a citizen, a declaration of intention properly made is not violated and does not become void by reason of subsequent acts or conduct on the part of the alien. In re Miegel, 272 F. 688.

An alien, not an enemy, who had declared his intention to become an American citizen, and who, not being entitled to exemption from military service under the Selective Service Law on the ground of alienation, illegally claimed such exemption, thereby indicated such lack of loyalty to the country as showed that he was not attached to the principles of the Constitution and well disposed to the good order and happiness of the country, and is not entitled to be naturalized. In re Rubin, 272 F. 697.

Under Naturalization Act, 4 (Comp. St. 4352), requiring the witnesses for the applicant to state that he is a person of good moral character and requiring the court to be satisfied he is in every way qualified to be a citizen, and section 7 (section 4363), denying naturalization to members of an organization opposed to government, a certificate of naturalization based on the testimony of witnesses who qualified their opinion as to the fitness of petitioner because of his connection during the war with a strike instigated by the I. W. W. is "illegally procured," though the witnesses testified to his good character except for that fact, and the state court found that petitioner was not at fault in that regard, since the statute clearly requires unqualified testimony to good character.

The fact that the change of opinion concerning the character of petitioner for naturalization in the minds of his witnesses occurred after they had made their affidavits to his good character and was sounded in part upon hearsay is immaterial, since reputation can only be established by hearsay, and such change of opinion prevents the naturalization of petitioner.

A naturalization certificate is illegally procured where it appears that part of the inquiry by the judge upon which it was issued was made by him in chambers and not in open court.

Under Naturalization Act, 15 (Comp. St. 4374), authorizing a suit to cancel a naturalization certificate, illegally procured, the certificate should be canceled where it appeared, that is was issued by the state court upon the testimony of witnesses who qualified their opinion as to the fitness of petitioner for citizenship, though the government was represented at the naturalization hearing and contested the naturalization on that ground, and the court found that the qualification was not based on fact. U. S. v. Olsen, 272 F. 706.

Generally speaking, free white persons, within the naturalization laws, are members of the white or Caucasian race, as distinct from the black, red, yellow, and brown races, and it clearly does not include a Korean who is admittedly of the Mongol family.

Rev. St. 2169 (Comp. St. 4385), restricting the right of naturalization to free white persons and persons of African descent, was not impliedly repealed by Act, June 29, 1906, authorizing admission to citizenship of persons, not citizens who owe allegiance to the United States, which was enacted to permit the naturalization of citizens of the Philippine Islands and of Porto Rico, who could not heretofore be naturalized, because the naturalization laws applied only to aliens and required a renunciation of former allegiance.

Act, May 9, 1918, amending Act, June 29, 1906, 4, subd. 7 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, 4352 (7)), so as to authorize naturalization of Filipinos and Porto Ricans who served in the military forces of the United States, and permitting naturalization of all aliens who had so served, without compliance with many formalities required of others, section 2 (section 4352aa) of which amending statutes repealed inconsistent acts, with the proviso that it should not repeal or enlarge Rev. St. 2169 (Comp. St. 4358), limiting naturalization, except in the cases of Filipinos and Porto Ricans, and therefore did not authorize the naturalization of a Korean, who had been honorably discharged after service in the United States army during the World War.

The draft law did not contemplate the incorporation into the forces of the United States those not eligible to citizenship and the fact that such may have been inducted into the service through voluntary enlistment or inadvertence of draft boards cannot affect the purpose of Congress to permit naturalization only of those previously eligible by the amendment of a naturalization act relating to those who had served in the United States forces during the World War. Petition of Easurk Emsen Charr, 273 F. 207.

PRINCIPAL AND AGENT.

A letter written by defendant in New York to plaintiff in Panama, in reply to one from plaintiff inquiring prices for oil delivered in Panama, referring plaintiff to an agent as "our representative in Panama, who will quote you from time to time if desired," held sufficient to establish the authority of the agent to bind defendant by a contract for the sale of oil to plaintiff, entered into in good faith, for, taken in connection with the letter inquiring as to prices, the authority to "quote" was equivalent to authority to fix prices. Texas Co. v. American Trade Developing Co., 272 F. 670.

SALES.

The expression "c. i. f.," in a contract, indicates that the prices fixed cover the cost of goods, insurance, and freight on them to the place of destination, and under such a contract the seller must ship the goods, arrange the contract of affreightment to the place of destination, and pay its cost, and allow it from the purchase price and procure insurance for the buyer's benefit for the safe arrival of the goods, and pay therefor. A. Klipstein & Co. v. Dilsizian, 273 F. 473.

Contracts or the sale of rubber, to be delivered during stated months, made during war time, when government regulations respecting inportation and sale of rubber were anticipated, contained a provision that "this contract is subject to all the rules and regulations imposed by the United States government." Held that, where such regulations were made, which rendered performance by either party impossible at the times fixed for deliveries, the effect was not merely to suspend the contract, but that both parties were discharged from any obligation thereunder, and that neither could demand or enforce delivery after such regulations were withdrawn. Edward Maurer Co. v. Tubeless Tire Co., 272 F. 990.

California.

The question of whether the buyer or the seller of Hawaiian honey should secure the necessary transportation held one of intention of the parties as to what they contemplated, and the expression "f. o. b." throws no light upon the question; such expression merely making it the seller's duty to load at his own expense. H. Hackfeld & Co. v. Castle, 198 P. 1041.

Idaho.

Under a contract to deliver lambs at a certain station f. o. b. cars; held that the seller was under no obligation to guarantee their shipment to a particular market, the words "free on board" being a phrase applied to the sale of goods, which denotes that the seller has contracted for their delivery on the vessel, car, etc., without cost to the buyer for packing, portage, cartage, and the like. Hatcher v. Ferguson, 198 P. 680.

New York.

Where both parties to sales contract lived in the city of New York, the contract providing: "Delivery at New York: When called for, f.o.b. New York—held, to require seller to deliver goods to any place within the city designated by buyer, and not to require buyer to call for the goods at seller's place of business. Liondale Mercantile Co. v. Gerber, 188 N. Y. S. 825.

In an action for delay in delivering a large quantity of straw braid purchased by plaintiff from defendant, who was acting as agent for Japanese manufacturers under contract providing that the price should be cost plus insurance and freight, the place of delivery must be deemed to be in New York, where both plaintiff and defendant had places of business there, and defendant instead of having merchandise consigned to plaintiff, had it consigned to its own order and stored the same in a warehouse at New York, there being no provisions in the contract providing for delivery in Japan. Schopflocher v. Essgee Co. of China, 189 N. Y. S. 489.

The expression "net landed weight," in a c.i.f. contract relating to sale of oil to be delivered at San Francisco, held to signify that the weight at the point of landing, San Francisco, must accord with the requirements of the contract, although such expression was put in a column under the word "description," and preceding in that column were the words "bean oil not exceed 3 per cent of fatty acid." Willitis & Patterson v. Abekobei & Co., 189 N. Y. S. 525.

TAXATION.

Pennsylvania.

Under Act, June 2, 1915 (P. L. 730; Pa. St. 1920, 20363) as to taxation of foreign corporation, a foreign corporation which has within the state a number of cash registers which it has delivered to residents of the state under contracts which are leases with option to buy is liable to be taxed upon the value of such cash registers, though the real object of the transaction was a sale of the machines, as the *situs* of the property is in Pennsylvania, and represents an investment therein of the capital of the company doing business in the state. Common v. National Cash Register Co., 114 A. 366.

Vermont.

The state has an undoubted power to tax its own products while within its jurisdiction, though intended for exportation, if taxed as part of the general mass of property in the state, unless and until such products have become the subject of interstate commerce.

Products of the state intended for exportation to another state do not cease to be a part of the general mass of propery in the state subject to taxation until shipped or entered with a common carrier for transportation to another state, until they have been started upon such transportation in a continuous route or journey, or until they have entered upon their final journey out of the state.

Property actually in transit from one state to another is exempt from local taxation.

Where pulpwood was cut at one place in the state and floated down a stream to another at a time when the stream was high enough to float the wood, and there held until the receding waters in a river make it practicable and safe to float the wood to another state, while the wood was so held for its owner's benefit, it had not started on its final journey to another state, and was subject to local taxation, and the fact that a part of it escaped through the breaking of a boom, which was a mere accident, is not material. Champlain Realty Co. v. Town of Brattleboro, 113 A. 806.

Under G. L. 13, 667, 683, 684, the equitable interest of heirs of a decedent, residents of Vermont, who conveyed the property received from decedent's estate in trust to a Massachusetts trust company, retaining power to control investments and to terminate the trust, held taxable in Vermont; the exemptions as enumerated in section 684 not covering the property interest of a *cestui que* trust under agreement.

G. L. 703 providing taxable personal estate must be set in the list to the last owner on the 1st day of April in each year, except personal estate income of which is to be paid to another person which is to be set in the person holding it in trust, in the town, etc., where such other person resides if he resides in Vermont, etc., makes such exception applicable only to trust funds located within the state when the *cestui que* trust or trustee resides here, and relates solely to the *corpus* of the fund, and leaves the interest of the beneficiaries in a trust having the trustee in another state to be listed to them in the town where they reside under the general provisions of section 703.

Title to and possession of the *corpus* of a trust fund being in the trustee, a Massachusetts trust company, in the absence of statutory provisions to the contrary, the *situs* of such property for the purpose of taxation is in Massachusetts. City of St. Albans v. Avery, 114 A. 31.

Wisconsin.

Under Const. article 8, 1, as amended in 1908, providing that the rule of taxation shall be uniform, and that taxes may be imposed on income, Act, 1917 (St. 1919, 1087m2), declaring that the term "income' shall include dividends derived from stock, the term "dividends" including any distribution, whether in cash, or in the stock of a corporation, is valid, and a stock dividend paid to the shareholder by a foreign corporation doing no business in Wisconsin is taxable as income, although not disposed of by the stockholder; for, regardless of what might be the rule between life tenants and remaindermen, the stock dividend was income. State v. Nygaard, 183 N. W. 884.

WILLS.

Oklahoma.

Rev. Laws, 1910, 6216-6218, outlining the procedure for probate of foreign wills do not attempt to cover domiciliary wills, though already probated in another state, and the county court is not vested with jurisdiction to allow the ancillary probate of a domiciliary will based on foreign probate. Seifert v. Seifert, 200 P. 243.

NEW LAWS AND REGULATIONS.

Austria.

Peace with the United States.

Peace with the United States was declared formally in a proclamation signed on Nov. 18, 1921, by President Harding. The terms of the proclamation are similar to those announcing peace with Germany. (See "Germany" below).

Treaty with Soviet Russia.

The conclusion of a political and commercial treaty with Soviet Russia, supplementing the convention adopted at Copenhagen some time ago, was announced on December 8, 1921. The treaty provides for immediate resumption of consular relations between the two countries.

Belgium.

Modification in Commercial Agreement with Egypt.

See "Egypt" below.

Government Export Guaranties.

A law of August 7, 1921, authorizes the Government to guarantee export sales to the amount of 250,000,000 francs. The royal decree governing the operation of these guaranties provides that the Government shall indorse franc drafts of not more than three years' term (renewals included) covering sales of Belgian or Kongolese, manufactured products or raw materials. The foreign purchaser will generally be required to pay 10 per cent. of the order in cash and furnish security for the balance. The indorsement of the Government will not cover, however, over 55 per cent. of the operation, and the exporter and his bank are obligated in general to assume a share in the risks of the operation to the extent of 25 and 20 per cent of the total credit involved.

The directing committee, in determining the desirability of Government indorsement on a given operation, will be governed by the purchaser's financial standing and the security he offers, the state of the market and local requirements, and the general profit to be derived by Belgian interests through the disposal of stocks or the reduction of unemployment to be produced by the sale.

The pledges offered by the purchaser which the directing committee is empowered to accept are bank guaranties, stocks, and bonds covering deposits (which, if in foreign currency, must be ample to cover all possible exchange losses), warrants, mortgages, public securities, insurance policies, or Ter Meulen notes, if such are eventually issued.

Economic Union with Luxemburg.

See "Luxemburg" below.

Brazil.

American Participation in International Exposition.

See "United States of America" below.

Bulgaria.

New Copyright and Patent Laws.

New copyright and patent laws were passed by the National Sobranie on July 8, 1921. The patent law is the first of its kind in Bulgaria, and is based largely on the French patent law, borrowing slightly also from the Greek law. Regulations for the putting into effect of the patent law are now in course of preparation.

Abolition of Trade Restrictions on Grain Products.

The law regulating trade in grain and grain derivatives, as well as all amendments and supplements thereto, has been revoked by a law passed by the National Sobranie on September 14, 1921.

The domestic and foreign trade in grains, grain derivatives, and legumes is now free. The manufacturers of alcohol and beer may sell their products freely, if the Minister of Finances decides not to purchase them. He has the right to purchase them at special fixed prices, and to sell them in the domestic or foreign market at wholesale, at fixed prices approved by the Council of Ministers.

On September 24, 1921, the Grain Consortium was abolished by action of the Sobranie (Bulgarian Parliament). The law abolishing the consortium makes the municipalities responsible for providing food to needy persons at reduced prices.

Canada.

Extension of Treaty of 1899.

Secretary Hughes and Ambassador Geddes signed on October 21, 1921, a special treaty extending to Canada provisions of the treaty of 1899 with Great Britain applying to the tenure and disposition of real and personal property by the nationals of each country in the territory of the other.

Preferential Tariff Agreement.

By a proclamation published in the Canada Gazette of August 27, 1921, the Canadian preferential tariff, which has been arranged in favor of numerous islands of the West Indies, was put into effect beginning September 1, in so far as it pertains to the Bahama Islands, Barbadoes, the Leeward Islands, Trinidad, and the Windward Islands, and also British Guiana and British Honduras.

Ratification of Trade Agreement with Canada.

See "West Indies (British)" below.

Czechoslovakia.

Adherence to Madrid Convention on Merchandise Marking.

The Government of Czechoslovakia has notified the Swiss Federal Council of its decision to adhere to the arrangement of the Madrid Convention of April 14, 1891, revised in Washington on June 2, 1911, regarding the repression of false indication of origin of merchandise. Czechoslovakia will be, therefore, considered as a member of this International Union from September 13, 1921.

Egypt.

Modifications in Commercial Agreement with Belgium.

The essential features of a protocol, signed at Alexandria on August 10, 1921, modifying articles 6 and 8 of the Commercial Convention of June 24, 1891, between Egypt and Belgium, are as follows:

The Belgian Government likewise consents to the derogation of Article 8 of the convention above mentioned which fixes at 1 per cent. ad valorem the maximum Egyptian export duty, permitting the Egyptian Government at any time to raise the general export duty on all merchandise exported to 2 per cent ad valorem.

In compensation for the derogation of these two articles of the convention, the Belgian Government will be granted by the Egyptian Government the benefit of most-favored-nation treatment, as defined in articles 2 and 3 of the convention.

Authority of Mixt Tribunals Prolonged.

The Sultan of Egypt has signed on October 31st, 1921, the following decree:

Art. 1.—The authority of Egyptian Mixt Tribunal is prolonged for an indefinite period. The date upon which their authority shall terminate will be fixed by a decree to be published in "Journal Officiel" at least one year before said date.

The prolongation shall have no effect in respect to Dutch citizens until the expiration of one year and in respect to French and Greek citizens, until the expiration of three months commencing with November 1, 1921.

Art. 2.—Our Minister of Justice is charged with the execution of the present decree.

Finland.

Commercial Treaty with France.

In Paris, on July 13th, 1921, representatives of France and Finland signed a Treaty of which most clauses came into force 8 days later. The Treaty is valid for one year, but will be considered as prolonged for further periods of three months should notice of recall not be given six months before the end of the first year or at least two months before each following period of three months.

The contracting parties guarantee each other in general the advantages appertaining to the position of most favoured nation. Only as regards Esthonia can Finland make a departure from this rule. Among special stipulations the following may be mentioned: Certain favours are granted in regard to goods certified to have been produced in Finland and France or the French colonies, but some transoceanic products such as coffee, tea, spices, tobacco, flax, silks and rubber, for which France has worked up special markets, enjoy similar advantages if imported by French firms, even although these goods do not originate in France. The Treaty also fixes what percentage of any existing or possible future increase on the ordinary Customs tariff is to be applied on certain imports of French origin enumerated in a supplementary list. These goods chiefly consist of finer foodstuffs, tobacco and articles de luxe, but also commoner textiles and some kinds of musical instruments are included. Besides this, the Finnish Government have bound themselves to buy from France all wines and alcoholic drinks which are sold for lawful consumption in Finland, i. e., only as medicine and for technical or scientific purposes, with the exception of certain kinds not made in France.

The French minimum tariff will be applied to a number of Finnish export articles enumerated in a supplement to the Treaty, such as f. i. butter, tar, turpentine, seed for sowing, wood, pulp, stone, window-glass, paper, harrows, ploughs and separators, timber and certain kinds of woodwork. Finnish products, on which a certain stated reduction of the difference between the ordinary French tariff and the minimum rates is allowed, are enumerated in a separate list, which includes methylic alcohol, worked stone and certain kinds of glassware, paper and woodwork not mentioned in the first list.

Other clauses of the Treaty which are still dependent on legislation concern the rights of commercial travellers and the founding of joint stock companies, and also concern the operation of various international treaties in both the contracting countries.

France.

Commercial Treaty with Finland.

See "Finland" above.

Denunciation of Modus Vivendi.

See "Spain" below.

Germany.

Peace with the United States.

See "United States of America," below.

Temporary Commercial Agreement with Italy.

A commercial agreement between the Italian and German Governments was signed at Berlin, August 29, 1921. This agreement provides for the reciprocal freedom of importation and exportation of certain restricted goods mentioned in lists accompanying the agreement and is similar to that recently entered into by Italy and Czechoslovakia. The convention came into force on September 1. It is valid for a period of nine months, and unless notice is given by one of the contracting parties one month before expiration, it is automatically extended for a similar period.

Honduras.

Commission on Public Credit.

By force of a congressional decree, No. 102, a Commission on Public Credit has been created in Honduras. It consists of three members and its purpose is to examine all the assets and liabilities of the Government which constitute the public debt, in order to determine the actual state of Government finances.

The Executive is directed to present to Congress during the next session following the publication of the decree the results of the investigation of the commission and to propose a law for the amortization of the internal debt.

Articles 2 and 3 provide that all claims against the Government, whether registered or not, will be canceled unless they are presented for registration to the Commission before November 30, 1921.

Italy.

Articles Permitted in the Parcel-Post.

The Postal Administration of Italy has advised that the following articles may now be dispatched to that country through the medium of the parcel post.

Cloth, linen; fans; feathers, ornamental, raw and manufactured; flowers, artificial; glassware, jaded, engraved, gilded, silvered; guns, pistols, and revolvers; hair manufactured; hats, womens trimmed; jewelry, gold and silver; laces, net and cloth (embroidered) of linen, cotton, wool, silk; mother of pearl; paper and cardboard, manufactured articles of; perfumery; precious stones, except those for industrial use; tea; toys, including those of wood.

Japan.

Tobacco Monopoly in Chosen.

A tobacco monopoly was promulgated in Chosen April 1, 1921, by which the manufacture of tobacco belongs exclusively to the Government. No tobacco may be imported except under Government permission, or may it be grown except by permission of the Government, which will control the kinds of tobacco to be grown, designating the districts to be devoted to tobacco culture, and directing the most minute details of its cultivation and sale.

Latvia.

Monopoly on Hides, Skins, and Leather Abandoned.

The Government has decreed the abolition of the State monopoly on hides, skins, and leather, effective August 10, 1921, for domestic trade, and October 27, 1921, for foreign trade.

Luxemburg.

Economic Union with Belgium.

The convention establishing an economic union of Belgium and the Grand Duchy of Luxemberg was signed by the plenipotentiaries of the two countries at Brussels on July 25, subject to ratification by the Parliament of each country.

The leading features of the convention are as follows: Both countries are to be considered as one territory for the purpose of customs, subject to certain exceptions which are to be adjusted by a joint commission. In order to enable Luxemburg to redeem the temporary currency issued to retire the German marks that were in circulation, Belgium agrees to float a loan to the Government of Luxemburg to the amount of 175,000,000 francs. The operation of the railways of the Grand Duchy will be definitely determined by a future convention.

A most important provision states that the interests of Luxemburg in foreign countries will be confined to Belgian consuls wherever there may be no representative of the Governmnt of Luxemburg. Furthermore, Belgium agrees to endeavor to obtain for Luxumburg the benefits of the commercial treaties existing between her and other countries, while all future commercial treaties must be concluded by Belgium in the name of the customs union.

The execution of this convention is intrusted to a "Conseil Superieur" composed of five members, three of whom shall be Belgians, the Belgian Government to designate the president, who shall have a controling voice.

The convention is to continue for a period of 50 years from the date of ratification, and unless one of the contracting parties denounces it one year before its expiration, it will remain in force for a further period of 10 years.

New Zealand.

Regulations for Marking Imported Sugar.

The following regulation for marking sugar of foreign manufacture has been made by the Governor General of New Zealand, under the Order-in-Council of August 30, 1921:

It shall not be lawful for any person, firm, or company to sell or offer for sale sugar refined outside the Dominion of New Zealand unless such separate package in which sugar is delivered to the purchaser bears the word "sugar" preceded by the name of the country in which the sugar contained in that package was refined.

Nicaragua.

Parcel Post Regulations.

According to a decree published in La Gaceta Oficial for July 7, 1921, and effective from that date, packages weighing up to 20 kilos (kilo-2.2 pounds) will be accepted by the parcel post service of Nicaragua.

Norway.

Termination of Commercial Treaties.

The commercial treaties with Spain and Portugal terminated on September 1, 1921.

Poland.

Temporary Commercial Agreement with Italy.

According to a Stefani communique received at Rome, a commercial agreement has been concluded between Italy and Poland, by virtue of which Italian products such as citrus fruits, dried fruit, buttons, automobiles, and wine will be easily imported into Poland. The agreement will remain in force for six months. The Polish Government has allowed the Italian navigation companies to establish agencies in Poland and to exercise their activity for shipping from Trieste to the ports of ultimate destination.

Italy has given guaranties for Polish exportation, should the latter take place through Italian ports.

Restrictions on Coal Trade Removed.

All restrictions relating to the trade in anthracite and brown coal, coke, and briquets are removed for all of Poland, according to No. 66, paragraph 429, of the Polish Journal of Laws. The importation and exportation of coal and coke, and the manner of insuring the supply of coal to the Government railways and the public utilities, as well as the designation of the order in shipping by the railroads, will be provided for in special orders issued by the Ministry of Industry and Commerce. All treasury and governmental charges relating to the mining, sale, and consumption of coal, coke, and briquets will be paid by respective treasury branches as designated in laws and orders on taxation.

Portugal.

Termination of Commercial Treaty with Norway.

See "Norway" above.

Purchase and Sale of Exchange Regulated.

Regulation by the Government of the sale and purchase of exchange was effected by a royal decree of September 6, and is expected to allow a better exchange rate for the Portuguese escudo. Exchange can be bought and sold by banks only through special license from the Minister of Finance and under certain conditions, including the deposit of money and the filing of a declaration in which it is agreed to accept the terms of the decree. Those buying on open credits abroad must also make application to a department of the Ministry of Finance which has been created for this purpose.

Russia.

Treaty with Austria.

See "Austria" above.

Passport Rules.

A recent Soviet decree provides the following regulations:

In lieu of all the previously issued rules and regulations on the entry from abroad into the territory of Russian Socialist Federal Soviet Republic, the Council of the People's Commissars ordered:

1. The entry into the territory of R. S. F. S. R. is permitted only upon special permits granted by Russian Authorized Representatives abroad in the form of a vise placed upon passports.

Note:—In case the vised passport bears no photograph, the same must be attached to the vise.

2. Persons desiring to receive permits for entry into Russia must present a petition therefor to the Authorized Representative of R. S. F. S. R. Said petition must have annexed thereto documents certifying the person of the applicant, copies of such documents and a questionnaire in the form prepared by the People's Commissariat of Foreign Affairs.

3. Persons lawfully entering the territory of some other Soviet Republic and desiring to enter therefrom into the territory of R. S. F. S. R. are not exempt from the provisions of article 1 hereof.

4. Persons entering by any means whatsoever the territory of R. S. F. S. R. from abroad or from the other Soviet Republics without obtaining a permit defined in article 1 hereof, are to be brought by the authorities discovering them for trial before People's Court with the participation of six jurymen or before the Revolutionary Tribunal in accordance with the provisions of the law and upon conviction shall be punished by imprisonment in accordance with a Decree of March 21, 1921, concerning imprisonment and the system of probational liberation of prisoners.

5. The Authorized Representatives of R. S. F. S. R. abroad, shall take steps to give widest publicity to the provisions of this order amongst the public of the country wherein they are located.

Reopening of Parcel Post

Uninsured parcels are now accepted by the post office authorities in England for transmission at the senders' risk, via Petrograd or a port in the Black Sea, to all parts of Russia in Europe and Russia in Asia except the Ukraine and Turkestan. Certain important restrictions, issued by the Russian authorities, as to what may be sent by mail, are detailed below.

Under Regulations made by the Soviet authorities, private persons in Russia may not receive by letter or by parcel post articles for sale, arms or dangerous drugs, or, without a license, more than two parcels per month containing articles for their own personal use.

Articles for personal or household use, likely to be sent by post are foodstuffs, books, photographs, etc., all kinds of cloth and wearing apparel, table and bed linen, knives, forks and spoons, nails, musical instruments, toys and watches, soap, perfumery, and simple medicinal articles, such as boracic acid, salts, vaseline, etc. Within the limit of two parcels a month, such articles are admitted into Russia free of customs or other duties. Members of professional unions may, in addition, import instruments and materials necessary for their profession. Parcels for Soviet departments are not subject to restriction.

Regulations on Remittances to Russia.

The following Soviet decree regulating money remittances to Russia, was published in the Izvestia, No. 226, for October 9, 1921.

(1) Remittances are to be made through the Missions of the Commisariat of Foreign Trade in foreign countries.

(2) Money for remittance may be accepted from private persons or public organizations without any limit on the amount.

(3) The money to be accepted must be in the respective foreign currencies as cash or in checks.

(4) The payment of such foreign money orders in Russia shall be made in Soviet money in the full amount, at the rate of exchange which shall be periodically fixed by the Commisariat of Finance with the concurrence of the Commisariat of Foreign Trade and the Labor-Peasant Inspection.

(5) All correspondence regarding remittances must go through the International Accounts Section, which notifies the receiver of the remittance and pays him the money.

(6) The amount of the dues to be levied on such transactions shall be fixed by the Comissariat of Finance.

Spain.

Electrical Standards Adopted.

A royal decree has been issued by the Ministry of Public Works, arranging for the adoption of legal electrical standards, as follows:

I. The legal units for the measurement of electric power in Spain shall be founded upon the electro-magnetic system, adopting as basis units: for resistance, the international ohm, and for intensity of current the international ampere.

II. The Minister of Fomento, consulting with the permanent Spanish Commission on Electricity, shall dictate the necessary regulations for the application of this decree, which shall comprise the following:

(1) Specification of the two above-mentioned primary units in accord with international regulations.

(2) Definition and specification of all the other units used in the application of electricity, which are subject to legal requirements, or, in the absence of same, to the agreements adopted by international assemblies which have met for this purpose; also the definition and specification of units relative to those magnitudes for which the above-mentioned precedents are lacking.

Denunciation of "Modus Vivendi."

The Governments of France and Spain have agreed that the *"Modus Vivendi"* regulating the commercial relations of the two countries, which was to have expired September 10, 1921, is to be extended for a further period of three months. It was also provided that unless denounced by either of the Governments before November 10, 1921, the arrangement is to be automatically extended from December 10 for another three months, until March 10, 1922.

In accordance with this agreement the government of Spain denounced *"Modus Vivendi"* prior to November 10, 1921.

Termination of Treaty with Norway.

See "Norway" above.

Switzerland.

Limit in Weight of Parcels from the U. S.

Pursuant to an agreement between the U. S. Post Office Department and the Postal Administration of Switzerland, effective September 1, 1921, the maximum weight limit of parcel-post packages exchanged between the United States (and its island possessions) and Switzerland will be increased from 11 pounds (5 kilograms) to 22 pounds (10 kilograms).

The transit rate on parcels which exceed 11 pounds in weight will be 18 cents.

Union of South Africa.

Grades for Exported Butter.

A notice has been published in the South African Official Gazette that fixes the grades of butter for export, which shall be designated as creamery, ungraded, farm butter, or cooking butter. No butter shall be exported which contains more than 16 per cent of moisture or one-half of 1 per cent of boracic acid. Butter denoted as creamery butter is that made by a registered creamery, and ungraded farm butter includes all other classes, except cooking butter.

United States of America.

Limit in Weight of Parcels to Switzerland.

See "Switzerland" above.

Peace with Austria.

See "Austria" above.

Peace with Germany.

The following proclamation was made by the President on November 14, 1921: "Whereas, by a joint resolution of Congress, approved March 3, 1921, it was declared that certain acts of Congress, joint resolutions and proclamations should be construed as if the war between the United States of America and the Imperial German Government had ended, but certain acts of Congress and proclamations issued in pursuance thereof were excepted from the operation of the said resolution:

"Whereas, by a joint resolution of Congress, approved July 2, 1921, the state of war which was declared by the joint resolution of Congress, approved April 6, 1917, to exist between the United States of America and the Imperial German Government was declared at an end;

"Whereas, a treaty between the United States and Germany was signed at Berlin on August 25, 1921, to restore the friendly relations existing between the two nations prior to the outbreak of war, which treaty is word for word as follows:

(Here is given the text of the treaty.)

"And whereas, the said treaty has been duly ratified on both parts, and the ratifications of the two countries were exchanged at Berlin on November 11, 1921:

"Now, therefore, be it known, that I, Warren G. Harding, President of the United States of America, hereby proclaim that the war between the United States and Germany terminated on July 2, 1921, and cause the said treaty to be made public to the end that every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof."

Participation in Brazilian International Exposition.

The following resolution of Congress was approved by the President on November 2, 1921, providing *inter alia* that:

"Whereas, the United States has been invited by the Republic of Brazil to take part in an international exposition, to consist of exhibits relating to farming, cattle industry, fisheries, mining and mechanical industries, transportation, communication, commerce, science and fine arts, special emphasis to be placed upon forestal and manufacturing industries, to be held at Rio de Janeiro, commencing the 7th day of September, 1922:

"Therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that said invitation is accepted.

"Section 2. That the President is hereby authorized to appoint a commissioner-general and five commissioners to represent the United States in the proposed exposition, the amount of whose compensation shall be determined by the Secretary of State.

"Section 3. That officers and employees of the executive departments and other branches and institutions of the Government in charge of or responsible for the safe-keeping of objects, articles, and so forth, property of the United States, which it is desired to exhibit, may permit such property to pass out of their possession for the purpose of being transported to and from and exhibited at said exposition as may be requested by the commissioner-general, such exhibits and articles to be returned to the respective departments and institutions to which they belong at the close of the exposition: Provided, that the commissioner-general, with the approval of the President, at the close of the exposition may make such disposition of the buildings and other property of the United States used at the exposition, which it will not be feasible to return to the United States, as he may deem advisable.

"Section 4. That the Shipping Board is authorized to give the commission such assistance as may be necessary and to make special rates and special sailing schedules for the transportation of governmental and private exhibits and participants to and from the exposition.

"Section 5. That the Secretary of Agriculture is hereby authorized to collect and prepare suitable specimens of the agricultural and forestal products of the several States of the Union for exhibition at the exposition and accompany the same with a report respecting such production, to be printed in the English, Spanish, and Portuguese languages, the expense of the same to be paid out of the appropriation hereinafter provided for.

"Section 6. That the Secretary of Commerce is hereby authorized to collect and prepare a suitable exhibit of the fisheries industry of the United States for exhibit at the said exposition and accompany the same with a report respecting such industry, to be printed in the English, Spanish and Portuguese languages, the expense of the same to be paid out of the appropriation hereinafter provided for.

"Section 7. That the Secretary of the Interior is hereby authorized to collect and prepare a suitable exhibit of the mining industry of the United States for exhibition at the said exposition and to accompany the same with a report respecting such industry, to be printed in the English, Spanish and Portuguese languages, the expense of the same to be paid out of the appropriation hereinafter provided for.

"Section 8. That in order to defray the necessary expenses above authorized, including the salaries of commissioners and employees, the cost of preparing the various Government exhibits, construction and equipment of building, and acquisition, preparation, and maintenance of site and grounds, the sum of $1,000,000 or so much thereof as may be necessary, is hereby authorized to be appropriated.

Extension of Treaty of 1899.

See "Canada" above.

Emergency Tariff Act Extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Titles I and V of the Act entitled "An Act imposing temporary duties upon certain agricultural products to meet present emergencies and to provide revenue; to regulate commerce with foreign countries, to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes," approved May 27, 1921, shall continue in force until otherwise provided by law. Approved by the President on November 16, 1921.

West Indies (British).

Ratification of Trade Agreement.

The Canada-West Indies Trade Agreement was formally ratified September 1, 1921, by proclamation by all the Presidencies of the Colony of the Leeward Islands (St. Kitts-Nevis, Antigua, Dominica, Monserrat) and British Virgin Islands.

INSURANCE LAW NOTES.

1. Great Britain.

A marine insurance policy on goods and freight valued at £26,025, contained the clause, "Claims, if any, to pay at the rate of $4.15 to £1 sterling." The policy provided in terms for the payment of a total loss claim in sterling. In an action claiming for a total loss:—

Held, (Atkin L. J. dissenting), that the above clause only applied to claims which from their nature might require to be translated from dollars into sterling, such as general average or salvage claims, and had no application to a claim for a total loss.

Decision of Bailhache J. (37 T. L. R. 32) affirmed. Howard, Houlder and Partners v. Union Marine Insurance Co., C. A. 37; T. L. R. 579.

2. United States of America.*

California.

A contract by an insurance company made in one state and executed elsewhere may, by its terms, incorporate the law of another state and make its provisions controlling upon both the insurer and the insured.

The general rule is that, in the absence of statutory prohibition, the parties may stipulate that the policy shall be construed and governed by the laws, usages, and customs of a foreign state, and such laws, usages, and customs as are applicable shall be deemed to be a part of the written contract.

A marine policy stipulation that the English law should govern in determining what should constitute a constructive total loss under the policy held not violative of public policy, notwithstanding the provisions of Civ. Code, 2705, 2717, as to what constitutes a constructive total loss, such provisions not being mandatory upon the parties. Boole v. Union Marine Ins. Co., 198 P. 416.

New York.

An insurance company issuing an automobile liability policy on an automobile truck owned by a foreign corporation, wherein it agreed to "pay all costs and expenses incident to the investigation, adjustment and settlement of claims, and all costs, taxed against the assured in any legal proceedings defended by the company," owed the duty of defending the assured against the attachment incident to an action for damages for death of pedestrian, and assured, having defended against the attachment, was entitled to recover the reasonable and necessary expenses to which it was subjected. Green River Distilling Co. v. Massachusetts Bonding & Ins. Co., 189 N. Y. S. 263.

In this issue: AMERICAN BRANCH OF I. L. A.!

THE JOURNAL OF CONATIONAL LAW

(AMERICA'S JOURNAL OF INTERNATIONAL PRIVATE LAW)

Edited by

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member of the Bar in England, Russia and the United States.

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The Editor would welcome original contributions from all quarters and in any language on the subjects within the scope of this publication.

The contents herein are based on the "Commerce Reports" of U. S. Department of Commerce, publications of foreign governments and original contributions by our collaborators.

AMERICAN BRANCH OF THE INTERNATIONAL LAW ASSOCIATION.

The International Law Association was founded in 1873 at the suggestion of Elihu Burritt, initiated by Dr. Miles and supported by many distinguished members of the American Bar. Its membership included at various times David Dudley Field the famous codifier, Senator Charles Sumner, President Woolsey of Yale, President Barnard of Columbia, Hon. Reverdy Johnson, Judges Emory Washburn of Boston and Charles A. Peabody of New York, Judge Dillon and Professor Cooley. Among representatives from other nations who became interested in the activities of the Association from time to time were Sir Travis Twiss, Passy. Pierantoni, Rolin-Jaequemyns, Bluntschli, Mancini, Sir Robert Phillimore, Windscheidt, Asser, Dr. D. Josephus Jitta, Lord Alverstone, Lord Justice Kennedy, Edouard Clunet and Earl of Reading.

The Association has held thirty conferences in the various cities of the world, two of them in the United States, at Buffalo in 1899 and at Portland in 1907. The conferences have dealt with a wide range of international topics and the draft statutes and resolutions adopted at the conferences have often received official recognition and have achieved notable success in promoting the progress of international trade relations. The York-Antwerp Uniform Rules of General Average are today incorporated in bills of lading and charter parties throughout the world. The Rules for Bills of Exchange adopted in 1908 at Budapest have served as a basis for work in the field of worldwide unification. The Hague Rules of Affreightment adopted in September 1921 are about to be presented to various legislatures and unofficial bodies for adoption. The Association has also dealt with recognition of foreign companies, comparative law and procedure, the law of aviation, international rules for the sale of goods and many special problems such as arbitration and judicial settlement and was active in the codification of certain fields of International law. The next conference of the Association is to open at Buenos Aires on August 24th, 1922 and it is hoped that there will be a large attendance from North America emphasizing Pan-American friendship and comity.

The movement to found the American Branch of the International Law Association, which was on foot for some time past, finally materialized and the first annual meeting of the Branch took place at the House of the Bar Association of the City of New York, on January 27, 1922.

The meeting was presided over by Mr. Hollis R. Bailey of Boston and Mr. Arthur K. Kuhn of New York acted as Secretary. The Secretary presented proposed constitution for the organization. After detailed discussion clause by clause and the adoption of minor amendments, the Constitution, as presented by the Committee on Constitution, was unanimously adopted. Upon motion of Professor Keedy, as chairman of the Committee on Nominations, the following members were elected for permanent officers for 1922:

Honorary President, Hon William Howard Taft; President, Hollis R. Bailey; Honorary Vice-Presidents, Rt. Hon. Sir James Aikins, Rt. Hon. Sir Robert Borden, Hon. John W. Davis and Hon. Everitt P. Wheeler; Vice-President, Hon. Charles B. Elliott; Treasurer, Hamilton Vreeland, Jr.; Honorary Secretary, Arthur K. Kuhn; Executive Committee, Francis W. Aymar, Ira H. Brainerd, Oliver H. Dean, Charles Noble Gregory (chairman), Edward A. Harriman, W. O. Hart, Edwin R. Keedy, Russell H. Loines, Hon. P. B. Mignault, and Hon. Harrington Putnam.

Mr. Loines presented a report that he, with Mr. J. Parker Kirlin, and a number of other gentlemen interested in maritime law, had attended a Conference in England in November, 1921 on the Hague Rules of Affreightment. It was then agreed that the adoption of the Rules by proper legislation should be recommended to all the maritime nations of the world. It is understood that the United States Congress will shortly open hearings in reference to same.

The American Branch counts already over one hundred members. Twenty-eight new members were duly admitted at the annual meeting. It is earnestly hoped that all persons, corporations and institutions interested in the advancement of the science and practice of international law should lend their support and assistance to the new chip of the old tree. Applications should be addressed to the Honorary Secretary, 120 Broadway, New York City, U. S. A.

At the first annual dinner held at the Plaza Hotel, New York City, in the evening of the same day the topic for discussion was "International Law and Future." Mr. Frederic R. Coudert, of New York, presided. Judge Harrington Putnam called attention to the danger to the peace of the world involved in the doctrine of so called *jus angariae* as developed and practiced by maritime nations in recent times. He recommended that consideration be given either to its abolition as a principle of international law, or else to its modification so as to bring the seizure of neutral shipping within reasonable limits. Dean Charles Noble Gregory spoke upon codification and growing need for greater certainty in the rules of international law, especially now that the world had been presented by the League of Nations with a real international tribunal. Professor Charles Cheney Hyde thought that the American Branch might prove useful in cooperating with the Governmental departments in solving international legal problems, and even upon occasion, in presenting helpful criticism. Mr. Arthur K. Kuhn referred to the work of the parent Association in promoting legislation and elaborating standard contract clauses for the use of merchants in international commerce. He pointed out the unique character of the Association's international conferences in bringing together members of the Bar and commercial interests from all the principal countries of the world for practical discussion and the initiation of reform in private and public internatonal law. The dinner was well attended, there being present representatives of the Bar from various States.

CONSTITUTION OF THE AMERICAN BRANCH OF THE I. L. A.

1. **Name.** The name of the Association shall be: "The American Branch of the International Law Association."

2. **Objects.** The objects of the American Branch shall be to co-operate with the International Law Association (founded in 1873) in the study and discussion of International Law, Public and Private, and in the support of measures for its advancement.

3. **Members.** The American Branch shall consist:

(a) Of all members of the International Law Association who are citizens of or who reside within the United States, or the Dominion of Canada, and who have made application to be enrolled in the American Branch;

(b) Of all persons, institutions, firms, associations or corporations admitted upon application, by vote of the American Branch or its Executive Committee, provided they are otherwise eligible to membership in the International Law Association.

4. Members of the American Branch become thereby also members of the International Law Association without further payment of dues and are entitled to receive all of its current publications and reports.

5. **Dues.** Each member of the American Branch shall pay to the Treasurer an annual sum of Five Dollars if an individual, and Ten Dollars if not an individual, of which the American Branch shall pay over to the International Law Association such proportion in settlement of the dues to the parent organization as shall be fixed by the rules of that organization.

6. Any member in arrears for dues for more than one year may be dropped from the roll of membership by vote of the Executive Committee after notice mailed to his last known address.

7. **Officers.** The officers of the American Branch shall consist of a President, two Vice-Presidents, a Treasurer, and an Honorary Secretary. The officers shall be elected at the annual meeting, and shall hold office for one year but shall be eligible for re-election. The Executive Committee may also elect an Honorary President and such number of Honorary Vice-Presidents as it may decide, to serve until the next annual meeting.

8. **Executive Committee.** The American Branch shall be managed by an Executive Committee consisting of the retiring President of the Branch, who shall serve for one year, the officers for the time being (except Honorary Presidents or Honorary Vice-Presidents) and ten additional members elected at the annual general meeting. Vacancies among the officers or members of the Executive Committee shall be filled up by a majority vote of the remaining members of the Executive Committee until the next annual general meeting. Votes of the Executive Committee may be taken either at a meeting thereof at which a quorum of four shall be present; or in writing, in which event a majority of the Executive Committee shall be necessary to constitute a vote. Five days' notice of meetings of the Executive Committee shall be given to each member thereof, in person or by mail sent to his last known address.

9. **Annual Meeting.** The annual general meeting of the American Branch shall take place at such time and place as may be fixed by the Executive Committee and at least twenty days notice thereof shall be sent to each member of the American Branch by mail to his last known address.

10. **By-Laws.** The Executive Committee is authorized to make and from time to time to revise and amend, such rules and regulations, not inconsistent with this Constitution, as may be deemed proper, for the conduct of the meetings and the business and affairs of the Branch and of such Committee.

Such rules and Regulations from and after their adoption by such Committee shall have the force and effect of By-Laws.

11. **Expenditures.** All expenses of the American Branch shall be met by the dues of members and from such other funds as it may acquire by donation or otherwise. No debt or other financial obligation shall be made or incurred beyond the amount of the funds in the hands of the Treasurer.

12. **Amendment of Constitution.** The Constitution may be amended at any regularly called meeting of the American Branch by a vote of three-fourths of the members present, provided notice of the proposed amendment has been given in the notice of the meeting.

LEGAL STATUS OF LONGSHOREMEN.

By WALTER M. CHANDLER, of New York Bar.

Previous to the decision of the Supreme Court of the United States in the case of Jensen v. Southern Pacific Co., 244 U. S., 205, no difficulty had arisen on this head and the courts and administrative authorities had acted on the assumption that the State law could grant compensation to these as well as to other workers within the State. (Lindstrom v. Mutual S. S. Co., 132 Minn., 328; Kennerson v. Thames Towboat Co., 89 Conn., 367; and North Pacific S. S. Co. v. Industrial Accident Commission, 163 Pac., 199; Southern Pacific Co. v. Jensen, 215 N. Y., 514.)

The Jensen decision held in the case of a longshoreman employed by a ship, who was injured under circumstances amounting to a maritime tort, that the compulsory compensation law of New York State could not apply. They considered that the cost of providing compensation in all the ports called at by a ship, and the differing compensation laws in different States would be a burden on commerce and a substantial interference with the uniformity of maritime law.

That decision in the interest of uniformity for the shipowner overlooked uniformity for the workmen or uniformity for the large class of employers within the State, part of whose work was maritime, while the rest was necessarily covered by the State compensation laws and for whom the uniformity provided for the shipowner meant confusion and lack of uniformity. Since the decision in the Jensen case the courts and the compensation commissions have been confronted with many difficult cases well illustrating the confusion into which the Jensen case had thrown the various trades affected by the decision.

Federal Law Regulates Seamen.

Congress has always in legislating distinguished between these port workers and seamen. It has assumed full control over the relation of master and servant at sea. Federal legislation determines the character of the quarters in which the crew is to be housed, the food to be served to them, hours of labor, reciprocal duties of seaman and officer. A Federal statute changed the age-long maritime rule which subjected a sailor leaving his ship

to arrest, and made his return on board imperative. The rights of a seaman against the shipowner in case of injury or sickness are not at all similar to those which govern the right of recovery in the same case in land employment. The owner must care for the sick or injured sailor; he must pay his wages until the home port is reached and then the United States Marine Hospital Service takes him into its protection till he is recovered to health. He is thus already to a degree protected by a form of workmen's compensation, since this duty of the ship and the care in the marine hospitals does not depend upon any fault imputable to the owner. His right to recover damages was strictly limited by the law of the sea, but Congress in the Merchant Shipping Act of 1920 gave him a wide right to recover damages by putting him on a basis with the employees in interstate commerce.

Port Workers Under State Law.

Congress has hitherto left to the State control of the relation of master and servant in longshore work or in ship repair. State, not Federal, statutes require one day's rest in seven in these trades; State, not Federal, statutes regulate conditions of labor among these men of fixed habitation, and it is, as a rule, the State courts and the State law that determines the duty of the employer to pay damages to his employee injured in the service. Even where the employee had an opportunity to sue for maritime tort in the admiralty courts, he has not, in the main, attempted to avail himself of it, but has pursued this remedy in the tribunals of his State. Congress would be going far if it assumed control of the whole relation of master and servant in longshore and ship-repair work. It would even be doubtful whether Congress can regulate that relation on shore, and if Congress intends to leave in the main the regulation of this relation, it seems desirable that the whole of the relation, so far as can be, should be left to the local law. As we have shown, the rights of seamen to recover damages for tort are bound up with their rights to maintenance, cure, and wages, and the other regulations of the relationship of master and servant at sea governed by act of Congress or by the admiralty law.

Power of Congress.

This being clearly the desirable solution of the problem, has Congress the power to enact this legislation? The Constitution of the United States was conceived, not in a small narrow sense, but as an instrument for the government of a continent. The fathers intended that local affairs should be left to local control and that local responsibility should be developed by exercise of local government. They knew from experience, however, that national affairs should be regulated nationally and that local prejudice or local interest should not be allowed to stand in the way of national treatment of problems not local in their scope. Certain powers they expressly cut off from the State, certain powers which they conceived as exclusively national they intrusted wholly to Congress, but in a wide range of important questions which they conceived of, neither as exclusively national nor exclusively local, they vested in Congress the power of control without refusing to the States the right of regulation so long as their regulation did not interfere with national interests. This question of the admiralty jurisdiction and the cognate problem of interstate and foreign commerce are the fields in which this supervision of Congress has been especially exercised. Where uniformity is not essential in maritime matters, the courts have upheld the rights of the States to pass legislation. The State legislation regulating the pilotage in the different States and, therefore, regulating a maritime contract (Hobart v. Broben, 10 Peters, 108) and imposing a charge upon shipping, compelling even vessels which did not hire pilots to pay half pilotage, has been held unconstitutional as "enacted by virtue of the powers residing in the State to legislate." The case for congressional action on pilotage is stronger than in respect to these harbor workers. The pilots are in themselves seamen, and the persons who must pay the fees are exclusively shipowners, while in the case of the harbor workers the persons affected are landsmen and their employers are usually themselves land workers, so that the ship is not subject to lien or to suit in admiralty. When the pilotage cases were decided, it was not supposed that there was any requirement of uniformity in the maritime law which would interfere with local regulation of a maritime subject, so that the case here was decided on the power to regulate commerce, though the court expressly says that Congress had the power under its authority to regulate navigation to pass a general pilot statute if it felt that such action was desirable. The court said that there were many subjects in this wide field, some operating equally in the United States in every port and some, like the subject in question (pilotage laws), as imperatively demanding "that diversity which alone can meet the local necessities of navigation." (Cooley v. Port Wardens, 12 Howard, 299, p. 319.)

Upholding a State quarantine law against a direct burden on ships, the court said the matter is one in which "the rule that should govern quarantine may in many respects be different in different localities and for that reason be better understood and more wisely established by the local authorities. The practice which should control a quarantine station on the Mississippi River 100 miles from the sea, may be widely and wisely different from that which is best for the harbor of New York." (Morgan S. S. Co. v. Louisiana Board of Health, 118 U. S., 455, p. 465).

In view of the great variety in compensation statutes throughout the country, the great diversity in regulations which the several States have established to govern the relation of master and servant, where no injury happens to the servant, it is clear that the reasoning in these two cases applies to the land workers engaged in unloading or repairing ships.

The Supreme Court has always held that the States might change or add to the maritime law. The courts have applied to maritime torts State laws giving the right of recovery in case of death. (American Steamboat Co. v. Chase, 16 Wallace, 531; Sherlock v. Alling, 93 U. S. 99; The Hamilton, 207, U. S., 398.) In a recent pronouncement of that court on this question a statute of California giving such right of action was upheld and a section of that statute limiting the period in which the action for death could be brought was also adopted as part of the maritime law. (Western Fuel Co. v. Garcia, 66 L. ed. 97.) It again announces that the State statutes will be applied when it "will not work material prejudice to the characteristic features of the general maritime law, nor interfere with the proper harmony and uniformity of that law in its international and interstate relations." (Quoting Southern Pacific Co. v. Jensen, 215 N. Y., 514).

Even more recently (Grant A. Smith-Porter Ship Co. v. Rhode, 66 L. ed. 172) the United States Supreme Court has stated as its controlling principle that "as to certain local matters, regulation which would work no material prejudice to the general maritime law, the rules of the latter might be modified or supplemented by State statutes."

If Congress has left to the States in the past the entire regulation of the relation of master and servant, including the regulation of the payment of damages for injuries, why should it not continue in the same authorities the right to substitute a better system of securing justice to injured workers in these trades? As it affects the workman he may fairly say, with the Supreme Court of Maine, that "he insists that this court make their contract to square with the demands of real justice and plain common sense, that his right in the dual citizenship of State and Nation may not be unjustly infringed, and that the remedial legislation out of which the contract of labor sprang may be judged by what it achieves in satisfying the righteous demand of society for a justice that is exact, equal, and full." (Berry v. M. F. Donovan & Sons, 115 Atl., 250.)

In 1789, the First Congress under the Constitution passed the judiciary act, giving to the district courts of the United States "exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction * * * saving to suitors in all cases the right of a common law remedy where the common law is competent to give it," and this is the law today. (Judicial Code, sec. 24 and 256.) Under this clause State law, as it was at the time of suit, has been applied by State courts to cases arising under maritime contracts or as a result of maritime tort. "Under the grant by the Constitution of judicial power to the United States in all cases of admiralty and maritime jurisdiction, and under the rightful legislation of Congress, personal suits on maritime contract or for maritime torts can be maintained in the State courts." (Manchester v. Massachusetts, 139 U. S., 240, p. 262. Atlee v. Packet Co., 12 Wall., 389; Rounds v. Cloverport Foundry Co., 237 U. S., 303). The principle was applied to torts happening as a result of a collision on navigable waters. (Steamboat Co. v. Chase, 16 Wall, 522; Schoonmaker v. Gilmore, 102 U. S., 118.) The authority of the State courts under the saving clause in cases of maritime torts has been recently discussed at great length by the Supreme Court of Massachusetts in Proctor v. Dillon, 129 N. E., 265, and the conclusion reached that the State courts must administer the State law.

Case of Workmen Compensation.

If Congress could by this statute authorize the State legislatures to enact and the State courts to apply rules regulating the admiralty jurisdiction and preserve to suitors their common-law rights, why can it not, following the enlightened opinion of the age, which has substituted compensation for the right to sue for damage at common law, permit the local jurisdictions to provide compensation for workmen who are, as to all other matters, within their jurisdiction.

There is another reason why the compensation laws of the State should be allowed to take effect. The jurisdiction of admiralty is strictly local. Accidents happening on the land are not maritime torts and no suit can be brought in the admiralty courts to recover for damages resulting therefrom. Keator v. Rock Plaster Co. (256 Fed., 574) is the last expression of this rule. It has been frequently decided that the admiralty jurisdiction can not be extended by act of Congress, so that a Federal statute permitting recovery for a tort happening on the shore would be an invasion of the reserved rights of the States. (The Blackheath, 195 U. S., 361, Hughes on Admiralty, 2d ed., p. 195.) Therefore, so far as the relation of master and servant on land is concerned the State laws will always provide regulation of the duty of the master to make payments for an injury happening on shore. The State courts and compensation commissions have no general rule to follow in such accidents. In New York the court, though not unanimously, holds that the State compensation law can not apply to accident happening on land, but that the State law of tort must be resorted to for a remedy (Doey v. Howland, 224 N. Y., 30), while in Maine the Supreme Court has recently held that their compensation law shall be applied where the accident happens on the dock. (Berry v. Donovan, 115 Atl., 250.) But the longshoreman should be subject to the same law during the whole period of his work. If he is inevitably to be governed by the State law as to a part of his employment he should be permitted to have the benefits of that law during his whole employment.

Consequently, so far as accidents on land are concerned, the State law, either of torts or of compensation, must continue to provide a remedy for work accidents. Congress may have power to enact a compensation law for these accidents. Under the admiralty provision, Congress can not shut out the right of the States to provide a concurrent remedy in tort. The right to a remedy for injury is confirmed in the constitutions of many States. (Injury to persons to have certain remedy, Ark., 11, 13; Minn., 1, 8; Mo., 11, 10; N. H., 1, 14; Okla., 11, 6; Wis., 1, 9). (Every person ought to find certain remedy in laws for injuries he may receive to person, Ill., 11, 19; Mass., Pt. 1, 11; R. I., 1, 5; Vt., 1, 4). (Injury to person to be redressed by due course of law, Conn., 1, 12; Del., 1, 9; Fla., D. R., 4; Ind., 1, 12; Kan., B. R., 18; Ky., 14; Me., 1, 19; Miss., 111, 24; Nebr., 1, 131; N. C., 1, 35; Ohio, 1, 16; Oreg., 1, 10; Pa., 1, 11; S. Dak., Vi., 20; Tenn., 1, 17; Tex., 1, 13; W. Va., 111, 17).

In some cases the amount to be recovered for death can not be fixed by law. (Right of action to recover damages for injuries resulting in death not to be abrogated, and amount recoverable not to be subject to statutory limitation, Okla., 111, 7; Utah, XVI, 5; N. Y., 1, 18, 19). (Legislature to have no power to limit amount to be recovered for injuries resulting in death, Ky., 54.) (Amount of damage recoverable by civil action for death caused by wrongful act, neglect or default of another, not to be limited by law, Ohio, 1, 19a). (Legislature not to limit amount to be recovered for injuries resulting in death, but in case of death from such injuries, right of action to survive, and legislature to prescribe for whose benefit action to be prosecuted, Ark., V., 32; Pa., III, 21.)

So that complete uniformity of law in respect to longshoremen and marine workers is not possible without changing, not the laws but the constitutions of the States.

Conclusion.

The situation as it exists today is exceedingly confused and disconcerting with reference to remedies depending upon the peculiar character of the longshoreman's employment at the moment of injury. If he is working on a dock moving freight from one pile to another, the compensation law of the State applies. If he is injured while working on the vessel, moving freight, his remedy is under the maritime law of the United States. And if he happens to be injured while working on a gangplank, a kind of twilight zone between sea and land, both his status and his remedy are uncertain. To add to the confusion and annoyance, if the longshoreman happens to be shifting freight that is moving in interstate commerce, he has no remedy under the compensation law of the State of New York, but must apply to the State courts for his remedy under the common law of torts.

This extremely confusing situation is doubly deplorable, for it works not only a great injustice to the men themselves, but to their employers as well, who are com-

pelled to carry double insurance, first, under the employer's liability act of the State, second, insurance that will protect themselves against the different kinds of liability that may arise under any one of the classes of cases just mentioned.

The importance of this question and the necessity for new legislation are apparent when we consider that in the State of New York alone 10 per cent of the accidents reported are accidents to longshoremen, and that no less than 84 accidents were reported as occurring in the loading of a certain vessel in the port of New York.

There is little doubt that the legislatures of the States assumed that the various compensation acts passed by them would apply to longshoremen, even though they should be injured while temporarily employed on vessels, but in the case of Jensen v. Southern Pacific (244 U. S. 205) the Supreme Court held otherwise, declaring that the application of the New York State compensation law, or the compensation law of any other State, would tend to destroy the general uniformity of the maritime law.

In closing, attention is directed to the fact that the law held involved in the Jensen and Knickerbocker cases differs from the view advocated here in that it applied not only to longshoremen, but also to the sailors on board. Furthermore, it is contended that the relationship of longshoremen to commerce is local in character, and, as such, may properly, as in the case of pilots, be governed by State statutes.

PORTOROSE CONFERENCE OF SUCCESSION STATES.

The economic conference of the seven Central European States at Portorose (near Trieste), which closed its sessions on November 23, 1921 has made considerable progress toward removing the barriers that were impeding the essential exchange of goods and the normal course of transportation and communication between so called Succession States, hereditary to the territory of the former Austro-Hungarian Empire. The conference was initiated by Col. Clarence B. Smith of the United States Army serving on the Reparation Commission in Vienna. Austria, Czechoslovakia, Hungary, Italy, Poland, Rumania and Yugoslavia participated.

Program of the Conference.

The agenda of the conference fell into three divisions—economic relations, post and telegraph, and transport. The main agreement reached provided for:

(1) Active steps toward the removal of the artificial restrictions which had been created for the regulation of trade, and the promotion of closer commercial relations between the States represented;

(2) Efforts toward the restoration of normal transport facilities between all the Succession States, the placing into circulation of railway cars of disputed ownership, and the facilitation of transit in goods and persons; and

(3) The improvement and extension of the postal service, as well as telegraphic and telephonic communications, particularly between the commercial and industrial centers of the respective States.

The agreements concluded with respect to above matters are to become effective upon ratification by the legislative bodies of the countries concerned, and it is important to note that the plans include the holding of seven minor conferences at later dates to work out further the problems on which a beginning was made at the Portorose conference.

Provisions Regarding Commerce.

In order to remove the difficulties that had arisen in the way of essential exchange of goods between the areas which under the Austro-Hungarian State had formed one economic whole, the representatives of the Succession States have signed a convention which provides as follows:

All ordinary import restrictions are to be abolished from July 1, 1922, and export restrictions at a date later to be established. In the meantime, the issuing of permits for imports and exports is to be simplified as much as possible. The seven signatory powers propose to enter into negotiations by July 1, 1922, at the latest, for the conclusion of the treaties on the most favored nation basis. It is provided that during the period of transition, no new trade restrictions shall be issued by any State, and the contracting parties further agree not to frustrate the spirit and execution of this agreement by any administrative measure, and especially not to levy custom duties or other taxes that would have a prohibitive effect on trade. (Com. Rep., Jan. 23, 1922).

BRITISH ALIEN PROPERTY ORDER, 1921.

New Trading with the Enemy Order was published in the London Gazette of August 30, 1921. Reference is made in preamble to the termination of the war and the following rules are laid down for the handling and disbursement of enemy property:

1. The expression "enemy property" in this order means all moneys paid or to be paid to and all property vested in or transferred or to be transferred to the custodian under the trading with the enemy acts, 1914 to 1918, or any of them, and the proceeds of liquidation of such property and the investments (if any) representing the same, or the residue of such moneys, property, proceeds of liquidation and investments remaining in the hands or under the control of the custodian after the carrying out by him of any order, direction, decision or instruction made or given by the Board of Trade or the High Court or the Judge thereof, and the exercise or purported exercise by him of these duties under the same acts except:

(1) Such part thereof, respectively, as has been or shall be paid to, vested in or transferred to or is now held by the custodian, by reason of the owner or the former owner thereof being, or being deemed to be, a subject of or resident, or carrying on business in the former Ottoman Empire: and

(2) a. Any interest, share, right, or title of any national of the former Kingdom of Hungary or resident or person carrying business within the territory of that Kingdom, in, of, or to any British Letters Patent, or any application for British Letters Patent which have been vested in or granted to the Custodian under the provisions of the Trading with the Enemy Acts, 1914 to 1918, or any of such acts;

b. and interest, share, rights, or title of any national of the former Kingdom of Hungary or resident or person carrying on business within the territory of that Kingdom, in, of, or to any British copyrights which have been vested in the Custodian under the provisions of the Trading with the Enemy Acts, 1914 to 1918, and of Trading with the Enemy (Copyright) Act, 1916, or any of such acts, or any money arising from the exercise by the Custodian of his rights as the owner of any such copyright; which excepted property is hereinafter called "excepted enemy property."

The Interpretation Act, 1889, applies for the interpretation of this order in like manner as it applies for the interpretation of an act of Parliament, and if this order were made an act of Parliament.

2. Except so far as may have been otherwise directed by the Board of Trade or the High Court or a Judge thereof, enemy property shall be and become subject as from the date of the coming into force of this order to the provisions of the orders in Council made or to be made under the Treaty of Peace Act, 1919, the Treaty of Peace (Austria and Bulgaria) Act, 1920, or the Treaty of Peace (Hungary) Act, 1921, and to the charges created thereunder in the same way and to the same extent as it would be so subject if it had been held at the dates of the coming into force of the respective treaties of peace with Germany, Austria, Bulgaria and Hungary, on behalf of the persons who were or would but for the same having been paid or transferred to or vested in the custodian, have been then entitled thereto.

Provided that nothing in those orders or herein shall operate to require any enemy property which has been or shall be released from the charges thereby respectively established to be credited or accounted for to an ex-enemy Government.

3. All enemy property shall be subject to deduction of the costs, charges, and expenses of the Custodian, including any statutory fee.

4. Nothing herein contained shall prejudice or affect the execution and carrying out of any, order, direction, decision or instruction made or given by the Board of Trade or the High Court or the judge thereof in respect of any enemy property so far as the same shall not have been fully executed or carried out or the continuance of any legal or other proceedings to which in consequence of any such order, direction, decision or instruction, or in the exercise or purported exercise of his duties under the Trading with the Enemy Acts, 1914 to 1918, the custodian is a party.

Provided, that when by any order of the Board of Trade or the High Court or a judge thereof it has been provided that any enemy property shall not be dealt with without further order or without notice to any particular person or persons, such

provisions shall cease to be operative at the expiration of six months from the date of the coming into force of this order, except in so far as in the meantime the person or persons in question shall by notice in writing to the Custodian have asserted some right or interest in the enemy property in such order referred to.

5. Nothing herein contained shall prejudice or affect any claim on behalf of His Majesty in respect of income tax, super-tax, death duties, or other revenue, charge, or impost against the enemy property or the owners or former owners thereof, and the custodian or administrator of Austrian, Bulgarian or Hungarian property, as the case may be, shall have power to settle, agree, and out of the appropriate enemy property and the proceeds thereof pay or provide for any such claim.

6. Excepted enemy property shall be held by the Custodian subject to the same direction as the same is now held until His Majesty by order in Council shall otherwise direct.

7. This order may be cited as the Trading with the Enemy (Custodian Direction) Order, 1921, and shall come into force at midnight on the said 31st day of August, 1921.

CONTROL OF FOREIGN EXCHANGE IN YUGOSLAVIA.

A law made effective on September 25, 1921, establishes a more stringent control over foreign exchange in Yugoslavia than has heretofore existed. Exports of silver and gold are prohibited; and foreign payments in dinars or other currency, even payments of foreign debts contracted before September 25, are made subject to special permits issued by the Ministry of Finance, the National Bank, or large banks specially authorized to deal in foreign exchange. Even these authorized banks may not export currencies except by separate permits and under a guaranty that they will import an equivalent sum in "sound currency or business paper."

Domestic commerce in foreign currency and in gold and silver is free, but dealers are required to keep detailed records of transactions and report weekly to the Ministry of Finance.

Funds of Travellers.

Persons entering Yugoslavia must "declare the exact value" of the currencies which they carry; and currencies thus entered must be certified by the customs authorities and can be taken out of the country only within a month thereafter. The Minister of Finance may prohibit the entry of any particular currency by publishing a notice in the Official Gazette. Persons leaving Yugoslavia may not carry more than 3000 French francs or other currency of equivalent value without permit, nor thereafter export more than 3000 dinars a month for their personal needs without permit. Somewhat similar provisions apply to persons and institutions in Yugoslavia not engaged in commerce.

Effect on Exports.

Certain classes of exports are permitted only if they are paid for in Yugoslav currency or a currency more stable than that of Yugoslavia. This "guaranty of value" must be made for the following classes of exports: wheat, flour, live stock, meat, fat, hides, leather, wood products, fruit (not including products of the important jam industry), and eggs. If a Yugoslav exporter is also an importer, he will be excused from a guaranty of more than one-third the value of the exported commodities upon presenting proper documentary evidence. The State reserves the right to purchase one-third of the sum obtained from guaranteed exports at the rates quoted by the bourses at Belgrade and Zagreb.

These principal products of Yugoslavia can not be exported except upon presentation of a certificate from the National Bank or other authorized bank showing that the guaranty of value has been executed by purchase of dinars in exchange for foreign currencies or by deposit of foreign currencies. Dinars obtained by the foreign purchaser may not be accepted by the Yugoslav exporter unless they are purchased from the National Bank, the authorized banks, or foreign correspondents of these institutions.

General Considerations.

The law has 31 articles and is naturally very intricate in its administrative provisions, but additional detailed regulations are to be promulgated by the Ministry of Finance. The law subsidizes the National Bank in several ways. It eliminates the foreign exchange competition of all native banks having a capital of less than 2,500,000 dinars, of all native banks not authorized, and of all foreign banks in Yugoslavia. It permits the National Bank to set the rediscount rate upon foreign exchange currencies. It requires the authorized private banks to deposit with the National Bank 2½ per cent of their paid up capital, and the expenses of the control will be deducted from these deposits. The authorized banks will be restricted by additional regulations not applied to the National Bank.

Foreign interests in Yugoslavia, besides obligation to buy their exchange only from the National Bank, must supply full particulars relating to their import invoices, a requirement to which native purchasers are not subjected. Foreign banks in Yugoslavia may not be authorized to sell foreign exchange, except to the National Bank. (Com. Rep., Dec. 26, 1922.)

U. S. FOREIGN DEBT COMMISSION ACT.

The Act in the following form was approved by the President February 9, 1922:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a World War Foreign Debt Commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That, subject to the approval of the President. the commission created by section 1 is hereby authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign Government in substitution for the bonds or other obligations of such Government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: *Provided,* That nothing contained in this Act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per centum per annum: *Provided further,* That when the bond or other obligation of any such Government has been refunded or converted as herein provided, the authority of the commission over such refunded or converted bond or other obligation shall cease.

SEC. 3. That this Act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellation of any part of such indebtedness except through payment thereof.

SEC. 4. That the authority granted by this Act shall cease and determine at the end of three years from the date of the passage of this Act.

SEC. 5. That the annual report of this commission shall be included in the Annual Report of the Secretary of the Treasury on the state of the finances, but said commission shall immediately transmit to the Congress copies of any refunding agreements entered into, with the approval of the President, by each foreign Government upon the completion of the authority granted under this Act.

CHILEAN DECREE ON CAPITAL OF FOREIGN BANKS.

The Minister of Finance has issued a decree numbered 2381 and dated October 31, 1921, prescribing that in the case of foreign banking corporations legally authorized to conduct business in Chile under Executive decree, a special reserve fund shall be formed by setting aside 10 per cent of the net annual profits. No pronouncement has been made as to the total sum which should constitute this fund, or the relation which the completed fund should bear to the declared capital.

Previous Law.

Article 468 of the Commercial Code provides as follows: "Corporations are not allowed to appoint agents in Chile without authorization of the President of the Republic. Agents who work for these corporations (foreign banking) without having obtained governmental authorization will remain personally obligated for compliance with the contracts which they have entered into, and be answerable for all the responsibilities previously incurred, without prejudice to the action which may be taken against the said corporations."

Law No. 3030, December 22, 1920, embodies the requirements for the domestication of foreign corporations in Chile. The above law applies to cases in which duly empowered agents of foreign corporations may receive the Executive authorization to conduct business in Chile. One of the provisions of that law as given in a subsection of section 46 reads thus:

"The corporation is obliged to constitute a special fund of securities located and realizable in Chile, to secure its obligations contracted in this country. This fund will be determined by the President of the Republic according to the nature of each corporation and shall be built with such part of the net profits as given in each annual balance sheet as the Government may prescribe."

The New Decree.

1. The authorization prescribed in art. 468 of the Commercial Code shall not be granted to foreign corporations organized to conduct banking business, unless the capital devoted to their business in Chile amounts to at least 10,000,000 pesos paper.

2. The special fund which the corporation must form, as provided in art. 46 of law No. 3030, shall be formed by instalments of not less than 10 per cent of the net profits given in each yearly balance sheet.

3. The agencies of foreign banks are furthermore specifically made subject to the provisions of Banking Law, July 23, 1860, and to the other laws and regulations which exist or may be issued on the subject in the future.

COMPULSORY INSURANCE IN COLOMBIA.

This law, known as No. 37 of 1921, reads in translation as follows:

The Congress of Colombia decrees:

Article 1. Six months after the publication of the present law the industrial, agricultural, commercial and other enterprises of a permanent character existing in the country, or which may be established in the future, the pay roll of which amounts to or exceeds 1,000 pesos monthly, shall effect at its expense the collective insurance of the lives of its employees and workmen for a sum equivalent to the wages or salary of the respective employee or workman for one year, all employees or workmen receiving up to 2,400 pesos yearly to be included.

Article 2. The insurance shall not be in favor of a predetermined individual but in favor of the entity making the contract for it, which, whenever the occasion may arise of collecting the sum to which it may be entitled by reason of the death of any one of the insured persons, is obligated to pay said sum in its totality to the surviving husband or wife, if there be one, and to the legitimate heirs of the employee who may die and whose name is included in the pay roll corresponding to the month in which his death may occur.

Article 3. Conditioned upon equality of premiums and conditions, the national and sectional governments shall effect the insurance which is incumbent on them with one of the domestic companies which issue and pay their policies within the territory of the Republic. (Com. Rep., Jan. 30, 1922).

NEW LAWS AND REGULATIONS.

Argentina. Parcel Post to United States.

The postal authorities of the two countries have agreed upon the following regulations, effective January 1, 1922:

The sender of each package for Argentina is required to mark the cover either "If undeliverable abandon," or "if undeliverable, return at the sender's expense," which indications will be entered on the parcel bills prepared by the dispatching exchange office of New York, as evidence of the wishes of the sender.

Parcels, the senders of which indicate that their return is desired, after remaining unclaimed by the addressee for 60 days, will be exempt from payment of storage charges; a statistical charge will be levied where the value of the contents of the package is declared, those parcels without value being exempt, from statistical charge. This charge is fixed at 75 cents U. S. currency, provided the undeliverable package is unquestionably returned within three months of its receipt at destination.

Parcels marked "If undeliverable, abandon," will be turned over to the Argentine customs officials to be sold at auction to defray the expenses of handling. Parcels not marked to be returned after 60 days will be treated as abandoned. All parcels not properly marked will be returned by the New York postmaster to the office from which they have been mailed.

Letter Mail to United States.

See "United States of America" below.

Australia. Measures to Advance Foreign Trade.

At a conference of state premiers, presided over by the Prime Minister, the following resolutions were carried:

1. That the Commonwealth authorities prescribe uniform standards for all exportable products for which, in the interests of Australian trade, such action is necessary.

2. That there be a uniform system for the inspection, grading and marketing of such goods.

3. That, as far as possible, prior to the commencement of any regulation or the amendment of any existing regulation, copies thereof shall be furnished to the States to enable them to make such representations as they deem fit.

4. That commercial representatives be immediately appointed in the United Kingdom (except for Tasmania, because of existing representation) and the East, all appointments of commercial representatives abroad to be made by the Commonwealth after consultation with the States. The Commonwealth shall defray the expenditure of its eastern commercial representative and contribute one-fifth toward the expenditure of such representatives on a per capita basis. When the preliminary work of the organization of any such agency has been completed, the expenditure necessary for its maintenance shall be paid for by contributions from the producers upon the basis of a commission charged on the turnover. (Times Trade Sup., Dec. 24, 1921).

Prohibition on Enemy Goods Removed.

A proclamation has been issued canceling from August 1, 1922 the proclamation of January 14, 1920 which prohibited the importation of Austrian, German, Hungarian and Bulgarian goods into Australia.

Austria. Increase in Weight Limit of Parcels.

The maximum weight limit of packages sent by parcel post to the United States has been increased from 11 to 22 pounds.

Importation Into Australia.

See "Australia" above.

Belgium. Recent Commercial Treaty with Spain.

See "Spain" below.

Brazil. Letter Mail to United States.

See "United States of America" below.

Bulgaria. Importation Into Australia.

See "Australia" above.

Canada. Marking of Origin Law Suspended.

The operation of Section 12A of the Customs Tariff Act, providing that all goods imported into Canada shall be marked with the country of origin, has been suspended by an order in the council adopted January 12, 1922 until after the close of the next session of Parliament.

Ceylon. Mailing of Precious Stones.

Permission has been granted for the mailing of precious stones by sealed registered post.

Chile. Authorization of New Loans.

A law was passed by the Congress and promulgated on December 23, 1921 authorizing the President within one year to contract a loan, which will yield a sum up to 80,000,000 paper pesos, and another to yield an amount up to 11,500,000. These obligations may pay an annual interest up to 8 per cent. They are to be redeemable within a period of not less than 5 and not more than 10 years, and will be exempt from all national and municipal taxation.

China. Export of Munitions from U. S. Prohibited.

See "United States of America" below.

Changes in Parcel Post to United States.

The postal authorities have announced that, commencing with October 15, 1921, the postage rates on parcels destined for the United States will be reduced from Mex. $0.35 to Mex. $0.24 per pound or fraction thereof, and the weight limit increased from 11 pounds to 22 pounds. Parcels posted from certain interior points will pay, in addition, the regular domestic postage.

Costa Rica. Letter Mail to United States.

See "United States of America" below.

Czechoslovakia. Increased Sales Tax.

The sales and luxury tax, which has been in effect since January, 1920, has been modified by an increase of the tax on luxury sales from 1 to 2 per cent on all goods except foodstuffs effective October 1, 1921. The general law as modified is to remain in effect until December, 1923.

Commercial Treaty with Poland.

A treaty of commerce with Poland was signed at Warsaw, October 20, 1921. Before the ratification of the new treaty, however, certain arrangements, now being negotiated, are to be settled. These arrangements are the conclusion of an agreement regulating the importation and exportation of goods; the engagement by which Czechoslovakia will supply Poland with lignite and coke in exchange for naphtha; and the abrogation of the treaty of compensation concluded between the two countries after the armistice.

Under the new treaty relations between the two countries will be regulated by the application of the most favored nation clause contained in the treaty. Customs rules and regulations will be formulated on the same principle. Particular attention has been paid to the questions of transit and transportation, and

to intercommunication by means of post, telephone and telegraph. The treaty deals in a general way with special privileges of an economic nature to be granted to persons living in the border territory, leaving them to be settled by special agreement.

Danzig. Transfer of Customs and Railways to Poland.

Under the new agreement with the Free City, Poland takes over all the railways leading to the Port of Danzig for a consideration of 50,000,000 German marks.

The customs tariffs and charges between the Free City and Poland were eliminated beginning with January 1, 1922. All import duties to Danzig will be collected under Polish supervision. Danzig will receive about 8 per cent of these revenues. Custom houses will be established, however, between Danzig and German eastern and western frontiers.

Denmark. Recent Commercial Treaty with Spain.

See "Spain" below.

Ecuador. Compulsory Insurance of Workmen.

The Congress recently enacted a law which provides for the insurance of all working people injured through accident incurred during working hours, due either to themselves or to others. The law includes accidents in all industrial establishments, agriculture and forestry. The cost of the insurance is to be divided between the State, the employer and the employee.

Income Tax Law.

A legislative degree was passed by the Congress on October 6, 1921 creating certain taxes, notably an income tax of 1 per cent on all incomes of over 1000 sucres, to be applied to the national defense, and authorizing the Executive to celebrate ad referendum contracts guaranteed by these taxes.

Letter Mail to United States.

See "United States of America" below.

Esthonia. Foreign Parcel Post Service.

The Post Office Department has anounced that since October 28, 1921, packages have been received at all Esthonian post offices for dispatch to a number of countries. At present only packages without declaration of value or insurance are received. The maximum weights will be 6 kilos (13.2 lbs.) and size of packages is limited to 60x60x60 centimeters. Sticks, paper, etc., may be sent in packages up to 1 meter in length and 80 centimeters in width. The charge for sending packages weighing from 1 to 5 kilos to the United States is from 332.50 to 584.50 Esthonian marks. Service is maintained direct to Great Britain and Sweden and via Sweden for other countries.

Commercial Treaty with Finland.

See "Finland" below.

Finland. Commercial Treaty with Esthonia.

A trade and navigation agreement has been entered into with Esthonia providing for reciprocal tariff reductions on many of the important products of the two countries. In some cases the reduction of the duties on certain products of Finland imported into Esthonia are as much as 80 per cent from the present duties collected on the products from the other foreign countries, with a few Finnish commodities admitted free of duty. The reductions accorded by Finland to Esthonian goods range from 331/3 per cent to 75 per cent of the general Finnish tariff. In determining goods which are to be free of duty, ancient customs in regard to barter have been respected. A significant feature of the agreement is the provision that these duties may not be increased by either country, and that under no circumstances may customs reductions, or other privileges, rights or advantages granted by this agreement be applied to any other country. Both countries agree to consider this matter in making future agreements with other countries.

Differences arising are to be settled by arbitration or the Permanent Arbitration Court at The Hague. The treaty may be ended by the giving of one year's notice on either side. A special convention has been concluded with regard to Estho-Finnish cables, which are agreed to be joint property, and also regarding their upkeep and the utilization of same.

Commercial Treaty with France.

The Parliament sanctioned on December 20, 1921 the commercial treaty concluded with France on July 13th.

Prepayment of Parcel Post.

By virtue of art. 12, sec. 2 of the Madrid convention, the sender of parcel post packages from Finland addressed to any of the participant countries may undertake to pay the customs fees or all outgoing fees on the parcel. In this case, the parcel shall be accompanied by a bill ("francosedel").

France. Commercial Treaty with Finland.

See "Finland" above.

Denunciation of Commercial Treaty with Italy.

On November 10, 1921 France denounced the commercial agreement with Italy, which has been in effect since 1898 with some slight modifications made in 1917. This denunciation became effective on February 1, 1922.

Denunciation of Commercial Treaty with Spain.

On November 10, 1921 France denounced the modus vivendi which regulated the commercial relations with Spain. Since 1908 these countries have granted each other "most favored nation treatment." In 1918 France denounced this agreement and a modus vivendi was established, which was tacitly renewed every three months. The denunciation became effective on December 10, 1921 when Spanish imports were subjected to French general tariff rates plus a special ad valorem surtax on the principal articles.

New Maritime Sanitary Regulations.

The Ministry of Health published in Le Journal Officiel a decree giving the revised Maritime Sanitary Regulations. Detailed protective measures are prescribed against cholera, yellow fever, plague, typhus, typhoid fever, paratyphoid, dysentery, smallpox, diptheria, cerebrospinal meningitis, leprosy, tuberculosis, venerial diseases and trachoma. Provision is made for the issue of "sanitary passports" to passengers suspected of being in the incubatory stage of the contagious disease. Such passports will be given only to persons whose identity and destination are accurately and reliably known, and will not be issued to emigrants, pilgrims or other travelers whom the Maritime Sanitary authorities may consider it advisable themselves to keep under observation for the whole of the incubatory period of the disease feared. Persons holding sanitary passports will be kept under medical observation for the period designated on the passport by the local sanitary officials at the place to which the persons go.

Commercial Treaty with Poland.

A commercial treaty with Poland was signed February 6, 1922. Its chief provisions are as follows:

France is granted "most favored nation" treatment for all her products imported into Poland and the colonial products handled by French Firms. French wines, jewelry, machinery, yarn and textile fabrics obtain tariff reductions amounting in some cases to 50 per cent. Polish agricultural products and mineral oil will receive benefits of the French minimum tariff rates, and forty other specified Polish products will be granted a special intermediate tariff rate. Reciprocal facilities and security for commercial travelers are provided. Poland agrees to facilitate transportation of emigrants under the French flag. No tax will be levied on French "transit" merchandise warehoused in Poland. Certain luxury goods (such as automobile cloths, tires, etc.), ordinarily prohibited from importation into Poland, will be licensed for importation from France up to a fixed quota.

Provisional Trade Treaty with Portugal.

A provisional commercial agreement with Portugal for 6 months was signed at Lisbon on January 30, 1922. France gained the elimination of the 50 per cent ad valorem surtax on French goods, and the admission of the French colonial products into Portugal under the minimum tariff rates. Portuguese wines will be permitted to be imported into France in quantities up to 5000 hectoliters per month.

Germany. Commercial Agreement with Portugal.

A commercial agreement with Portugal was concluded on December 6, 1921.

Germany has agreed to authorize, during one year, the importation of 50,000 hectoliters of wine and during subsequent years to authorize the annual importation of at least 30,000 hectoliters of full bodied wines, maintaining the proportion of 4 to 1 between port and Maderia respectively. In return Portugal agreed to accord to Germany during the same period, most favored nation treatment which consists in the application to German goods of the minimum customs tariff which is, or may be, in force. Exception is made to any special favors which are or may be accorded to Spain or Brazil.

It is understood that in case Portugal concedes to any country total or partial exemption of payment of customs duties in gold, or the exemption from any surtax, the same concessions will be granted to German products during the validity of this agreement.

The treaty became effective at once, is valid for a period of one year, and may be continued from year to year, unless denounced by one of the Governments on four months' notice. Each Government is to carry out the provisions of the agreement until the end of the year in which it terminates.

Commercial Treaty with Yugoslavia.

See "Yugoslavia" below.

Denunciation of Treaty with Spain.

See "Spain" below.

Importation Into Australia.

See "Australia" above.

Hungary. Export Monopoly on Hogs.

The Government has entered into agreement with the Swine Export Department of the Hungarian Farmers' Association and with the Swine Export Company, whereby these companies will handle the exportation of hogs as a monopoly. The two companies in return for the monopoly agree to transact the entire export at a profit of 2 per cent, any balance of profit going to the State Treasury. Similar conditions prevail with regard to the exportation of goose liver.

Importation Into Australia.

See "Australia" above.

India. Mailing of Precious Stones.

See "Ceylon" above for identical regulation.

Italy. Commercial Treaty with Russia.

The commercial treaty with Russia and another with Ukraina were signed on December 26, 1921. It provides that Italian citizens shall be equally considered in succeeding agreements and that Russia shall recognize the right of Italians to payment for goods already furnished or services rendered in Russia.

Denunciation of Commercial Treaty with France.

See "France" above.

Jamaica. Letter Mail to United States.

See "United States of America" below.

Martinique. Letter Mail to United States.

See "United States of America" below.

Mesopotamia. Notice on Pre-War Concessions.

The Minister of Commerce of Iraq published recently the following notice:

"Notice is hereby given that all persons holding or claiming concessions operative in Mesopotamia granted by the Ottoman Government before the war of 1914-1918 are requested to forward immediately to the Ministry of Commerce, Bagdad, full particulars of the concessions they hold or claim." (The Board of Trade Journal, Jan. 19, 1922).

Mexico. Henequen Laws in Campeche.

The State of Campeche has adopted laws and regulations similar to those of Yucatan in reference to taxation, limitation of production and marketing of henequen.

Henequen Monopoly in Yucatan.

The State legislature of Yucatan by an act of January 2, 1922, provided that all henequen sold to the Comision Exportadora de Yucatan shall be exempt from the payment of the State production tax of 8 centavos a kilo imposed by law of December 13, 1921.

Norway. Temporary Trade Treaty with Spain.

A commercial agreement was signed on December 1, 1921, between Spain and Norway effective immediately and terminating March 31, 1922. Under the terms of the agreement the Spanish Government shall apply the duties of the second column of the Spanish tariff, plus an additional 25 per cent on goods imported from Norway. Norway agrees to apply her minimum tariff to imports from Spain, to facilitate and authorize the sale and consumption of Spanish wines of more than 14 per cent alcohol and to permit a minimum importation of 150,000 liters of such wines of Spanish production before March 31, 1922. These wines may not be re-exported from Norway for commercial purposes.

Commercial Agreement with Russia.

The commercial treaty with Russia was signed in Christiania on Sept. 2, 1921. It is based on the Anglo-Russian trade treaty recently signed and provides for the right of each party thereto to establish trade delegation in the country of another. The members thereof will enjoy certain privileges allowed the official representatives of other countries, such as freedom from taxation and military service, the right to receive and send couriers, to telegraph in code, to issue and vise passports, etc. They must abstain from political propaganda and from interference in the internal affairs of the respective countries.

The treaty regulates the re-establishment of postal and telegraphic connections between the two countries, and the mutual right of each country to carry on shipping with the ports of another. Free transit of goods is also allowed through respective territories, and protection of movable and immovable property belonging to the inhabitants of both is assured. The trade with Russia, the treaty provides, shall be carried on only with Commissioners for Russian Foreign Trade, or institutions or persons acting on their behalf and with their permission.

Finally, there is a clause to the effect that the treaty shall in nowise interfere with any claims for damages, etc., which citizens of either country may have against citizens of another. The treaty may be annulled upon six months' notice by either country.

Peru. Government Aid for Textile Factory.

The Congress has approved a bill passed by the Regional Assembly of the South, which authorizes the Government to aid in the establishment of a Textile (woolen) factory in the Department of Puno, either by Peruvian or foreign capital. All machinery and supplies for this factory may be brought in at half the regular customs duty. The Ministry of Fomento is in charge of the provisions of this law.

Poland. Release of Sugar Monopoly.

The Government has removed the monopoly on sugar, and unrestricted trade is now permitted; but a consumption tax of 20,000 marks per 100 kilos is levied.

Concessions for Operation of Railways.

The Government has promulgated a decree outlining the basis on which it will grant to private concerns the construction and operation of railways in the State. A copy of this decree (Exhibit No. 619) can be obtained from the Transportation Division, Bureau of Foreign and Domestic Commerce, Washington, D. C.

Control of Foreign Exchange.

According to decree of the Minister of Finance dated November 12, 1921, permission to purchase foreign checks and currency may be granted to banks, concessioned banking houses and exchange offices, to State credit institutions, and to communal and autonomic institutions (pawnshops and mortgage-loan societies excepted). All such concerns that are located in territory where the decree of March 23, 1920 has not yet become effective are exempted from obtaining special permits for this business, but those of similar character located in territory over which control is exercised must obtain a special permit.

Money and Valuables of Travelers.

The Minister of Finance by a circular of November 10 published in the Monitor Polski for December 2, 1921 permitted to every traveler leaving Poland to take with him the following gold, silver or platinum articles for his own use: one wedding ring, one pocket watch with chain or fob, two rings, and one pair of earrings.

The exportation of foreign currency or securities, not purchased in banks entitled to sell foreign securities, is permitted without a special license up to 150 Swiss francs in value or the euivalent thereof in other foreign currency. The exportation of Polish marks in cash, checks or money orders up to 3,000 marks is permitted without a special license for each journey or 10,000 marks monthly.

The above regulations do not apply to transient foreigners. Travelers should present to the customs officer an exact list in duplicate, of the currencies and of the precious metals they have with them whether in the form of articles, bars or coins or of other valuable articles for private use. This list should contain the Christian names and surnames of the party as well as their fixed place of residence. Travelers leaving Poland who have declared the amount and kind of currency and jewelry brought into Poland and who are provided with corresponding certificates, either in their passports or separately, issued by the customs officers, need no other permit for taking out of Poland the declared amount and kind of currency and jewelry.

Foreigners who come into Poland without declaring their currency and jewelry are liable to having them confiscated unless they secure a special export permit from Credit Department of Finance Ministry or delegates from the same section.

New Commercial Treaties.

See "Czechoslovakia" and "France" above.

Transfer of Danzig Railways and Customs.

See "Danzig" above.

Portugal. Provisional Trade Treaty with France.

See "France" above.

Commercial Agreement with Germany.

See "Germany" above.

Rumania. Government Aid to Agriculture.

On December 4 the Government promulgated in the Monitorul Official numerous measures to encourage the use of machinery in agriculture. Special privileges were to be accorded to those farmers who used large machinery, particularly that worked by electricity. Farmers and managers of estates who employed such machinery between September 1, 1921 and April 21, 1922 were to have the right to sell abroad, free form the export tax, a quantity of cereals from the harvest of 1921 corresponding in value to the cost of the machinery imported. They were also to be exempt from internal and other taxes on this amount.

New Turnover and Luxury Taxes.

The Parliament has recently instituted various taxes for internal revenue, including taxes on business turnover, the sale of certain luxury goods, entertainments, etc.

The turnover tax, which became effective September 1, 1921 is levied on the total business turnover at the rate of 1 per cent except in respect to exported goods and in certain other specified cases. This tax is applicable to imported goods, except when consigned to a merchant for resale, payment being made at the same time as the liquidation of the customs duties.

The sales tax leviable from the same date at the rate of 15 per cent of the actual sales price of certain specified "luxury" goods (such as motor cars over 20 h. p., silk goods, perfumery, lace, liquors, expensive wines, jewelry and carpets) and at the rate of 10 per cent for certain other "luxury" goods (including imitation lace, silk lined clothing fine furniture, costly furriers' wares, lingerie, boots and shoes, and passenger cars of less than 20 h. p.) The list of articles subject to the sales tax may be modified as occasion arises. This tax is also applicable to imported goods when such goods are imported by private persons for their own use.

Russia. **Aid to Famine Sufferers.**

See "United States of America" below.

Introduction of Metric System.

A decree of the Council of Peoples' Commissars ordered the introduction of the metric system of measures in all soviet institutions beginning with January, 1922 and from 1924 the system must be finally and universally adopted throughout Russia.

Release of Unclaimed Goods at Vladivostok.

A decree just promulgated permits re-exportation of imported merchandise intended for interior of Siberia but held at the Vladivostok customhouse for over a year and thus rendered subject to auction by the custom authorities, without paying import duty, upon payment of 1 to 10 per cent of its value as appraised by the Government auctioneer. This is in addition to the storage charges for the period during which the goods have been held, which must be paid before the merchandise will be released.

New Commercial Treaties.

See "Italy" and "Norway" above.

Spain. **Rules for the Tobacco Monopoly.**

A royal decree of October 15, 1921 approves the regulations for the execution of the agreement made between the State and the Compania Arrendataria de Tabacos on July 19, 1921 and approved by a royal decree of July 30. Under this agreement the concession to the above mentioned company for the exclusive manufacture and sale of tobacco in Spain and Spanish colonies is extended for a further period of twenty years, from July 1, 1921 to June 30, 1941. No duties of any kind are to be levied on the importation of leaf tobacco and manufactured tobacco for the monopoly, nor on machines, tools or instruments used in the manufacture of tobacco. Shipments of tobacco must be accompanied by special declarations. Private individuals may import tobacco products for their own use through the company upon payment of the corresponding fees.

Trade Treaty with France Denounced.

See "France" above.

Purchase of Foreign Products.

A decree of January 6, 1922 authorizes the purchase during 1922 of the following foreign products:

Lumber, petroleum, greases, coal, cotton, fertilizer, steel, iron, nickel, tin and aluminum products; turbine engines, registering and measuring instruments, transformers, condensers, and other telephone, telegraph and wireless apparatus; automatic construction machinery, steam rollers, cement mixers, bakery machinery, meat canning and preserving machinery, coin engraving and weighing apparatus, optical and dental equipment, cable wire, fire-fighting apparatus, military supplies of all sorts, naval equipment, automobile accessories, scientific instruments, especially photographic, astronomical, topographical and geodetic, and sanitary supplies, including sterilizers, refrigerators, medicines and pharmaceutical chemicals.

Ratification of Madrid Postal Convention.

A royal decree, November 19, 1921, published in the Gaceta de Madrid, November 23, puts into effect the postal agreement between Spain, the American Republics and the Philippines, signed at Madrid, November 13, 1920, whereby domestic postage is applied on mail between Spain and the American Republic.

Temporary Trade Treaty with Norway.

See "Norway" above.

Recent Commercial Agreements.

In exchange for most favored nation treatment on the part of Belgium, Denmark, Netherlands and Sweden, Spain has recently conceded the privileges of the second column of its tariff actually in force and of the tariff now contemplated. These conventions become effective on January 19, 1922 and may be terminated on a month's notice by either party. The arrangements are in each case temporary modus vivendi, the Spanish Government having declared that the three months following the publication of the new tariff will be devoted to tariff negotiations with various foreign countries.

Denunciation of Trade Treaty with Germany.

The Spanish Government has denounced the commercial treaty with Germany of February 12, 1899, as from December 29, 1921, according to a notice published in the Gaceta de Madrid of December 28, 1921. Under the terms of the treaty it is to expire one year after the date of denunciation by either party.

Sweden. **Recent Trade Treaty with Spain.**

See "Spain" above.

United States of America.

Parcel Post Changes.

See "Argentina," "Austria" and "China" above.

Letter Mail to Latin America.

Effective January 1, 1922 the domestic postage rate of 2 cents per ounce or fraction thereof will apply to letters mailed in the United States destined to Argentina, Brazil, Costa Rica, Ecuador, Jamaica and Martinique.

Prohibition on Exportation of Arms.

The following resolution of Congress was approved by the President on January 31, 1922:

Section 1. That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditons of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Section 2. Whoever exports any arms or munitions of war in violation of Section 1, shall, on conviction, be punished by fine not exceeding two years, or both.

Section 3. The joint resolution entitled "Joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States," approved April 22, 1898, and the joint resolution entitled, "Joint resolution to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States," approved March 14, 1912, are repealed.

By Presidential proclamation of March 6, 1922 the prohibitive effect of the above resolution was applied to shipments of arms and munitions of war to China. Power of prescribing exceptions and limitations to the application of the resolution was delegated by the President to the Secretary of State.

Aid to Famine Sufferers in Russia.

The following resolutions have been passed by the Congress:

1. That the President is hereby authorized, through such agency or agencies as he may designate, to purchase in the United States and transport and distribute corn, seed grain and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Corporation, a sum not exceeding $20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act.

Provided, That the President shall, not later than December 31, 1922, submit to the Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him, under the authority of this Act.

Provided further, That the commodities above enumerated so purchased shall be transported to their destination in vessels of the United States, either those privately owned or owned by the United States Shipping Board. Approved by the President on December 22, 1921.

2. That the President be, and he is hereby authorized to transfer, without charge therefor, out of the surplus supplies of the War and other departments of the Government, to American Relief organizations to be selected by him, medicines, medical, surgical, and hospital supplies, for the relief of the distressed and famine stricken people of Russia, in an amount not to exceed $4,000,000 original cost to the United States and as may be delivered to and accepted by such relief organizations, without cost for transportation to the United States, within four months of the date of the passage of this Act. Approved by the President on January 20, 1922.

Trading with Enemy Act.

By an Act approved by the President on December 21, 1921, Section 9 of the Act entitled, "An Act to define, regulate and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, is hereby amended by strik-

ing out the words "six months" in such section and inserting in lieu thereof "eighteen months."

Yugoslavia. Commercial Treaty with Germany.

A commercial treaty with Germany has been recently signed. By this treaty each country proposes to accord its minimum tariff rates to the products of another. A list of articles which alone may be subject to import prohibitions has been agreed upon, and special facilities for the rapid shipment by so called "library cars" of books, catalogues, commercial and industrial publications between the two countries are provided for. Free passage of merchants and business men between the two countries is guaranteed and efforts will be made for the improvement of transportation facilities between Germany and Yugoslavia.

RECENT DECISIONS.

I. AUSTRIA.

CORPORATIONS.

A domestic business corporation, whose stock is owned by the aliens, can not be required—on the analogy with the law relating to foreign corporations, e. g., No. 108, No. 2 of the Corporation Law—to have its alien stockholder, who became a director, to be duly domiciled in the country. Mitteilungen des Verbandes O. Banken und B., July 31, 1921, p. 48.

FOREIGN EXCHANGE.

A demand for payment of a disbursement made in foreign currency must be satisfied by the payment of the sum due in the same foreign or in national currency computed at the rate of exchange current on the day of payment. Mitteilungen des Verbandes O. Banken und B. IV (1921-1922), p. 71.

An agreement to open a credit in foreign currency agreed to by a foreign bank can not have any effect as being contrary to the decree of June 18, (R. G. B. 223) as this credit as such is not returnable to the "Wechselzentral." Mitteilungen des Verbandes O. Banken und B., July 31, 1921, p. 38.

II. BELGIUM.

ARBITRATION.

Decisions rendered by an arbitration tribunal substituted for a Belgian court by an order of German Governor General made on February 10, 1915, in the matter of leases are enforceable though made in derogation of the jurisdiction of Belgian courts. Such decisions have binding force as between the parties to the arbitration. Busschots v. Van den Bogaert. Pasicrisie belge, 1921, III, p. 127.

CORPORATIONS.

Pursuant to laws actually in force, any association, whatever it may be, duly constituted and operating abroad, is able to transact its operations and enter its appearance in Belgian courts. This right is not dependent upon the issuance of Royal order provided for in art. 2, Law March 14, 1855; nor is such order required by art. 128, Law May 18, 1873 (actually art. 171). A fortiori, a corporation created by virtue of international conventions recognized by Belgium enjoys implicitly the capacity of exercising all these rights there including the right of appearance. American Red Cross v. Mahieu. Pasicrisie belge, 1921, II, p. 94.

CUSTODIAN (ALIEN PROPERTY.)

The principle contained in art. II, Law Nov. 10, 1918, which is a public law, stating that the Custodian shall pay to neutral creditors their debts on maturity must be understood in accordance with Custodian's rights and the provisions of the treaty of Versailles on the function of enemy property. The seizure into custody and this function are really akin to reparation and affect the very existence of Belgium dependent on the entireness of enemy property to be found on national territory. If the law will permit deduction of neutral debts from this property it will defeat itself, since alien enemy whose property is seized owns in addition property, main business and merchandise in enemy country against which neutral creditor may enforce his claims. Heystee v. Leuvignaux (s. Schlichte). Pasicrisie belge, 1921, III, p. 155.

A wife who jointly with her husband owns property taken into custody has the right to object to an order prescribing the sequestration. Belgian lady married to a person without certain nationality remains Belgian and may object in her own interest to such an order. Vossem v. Procureur General. Pasicrisie belge, 1921, II, p. 47.

If a Belgian subject becomes German and his property is seized the seizure must be terminated on his subsequent recovery of Belgian nationality. Procureur v. Veuve d'Hur-Dethy. Pasicrisie belge, 1921, II, p. 136.

Seizure of the property of person without nationality whose original allegiance is not retained at the time of the loss of original nationality can not be ordered when no fraud is alleged. The law cannot deprive him of a right to sue in order to release his goods unlawfully seized. Such persons are also permitted to object to the order directing seizure. Procureur General v. Rudelhof. Pasicrisie belge, 1921, I, p. 338.

DAMAGES.

Only persons of Belgian nationality are permitted to be compensated for damages caused by war under No. 5, Law May 10, 1909. Estate of a shipwrecked Belgian inherited by a foreigner passes to the latter subject to the above restriction. Commissaire, etc., en cause Brinz. Pasicrisie belge, 1921, I, p. 209.

Damages caused to property abroad do not entitle to war reparation. Sluse v. Commissaire, etc. Pasicrisie belge, 1921, I, p. 344.

JURISDICTION.

According to the provisions of Franco-Belgian convention of July 8, 1899, relating to moveables, Belgian judge in whose district an obligation is contracted and was or should be executed has jurisdiction over a suit where defendant is Frenchman domiciled in France. Ricard v. Cornet. Pasicrisie belge, 1921, II, p. 142.

PAYMENT.

Settlement of a debt must be made in conformity with agreement arrived at by the parties thereto. Therefore, if the parties were conducting all their operations in German money, debtor is authorized to offer payment of his debt in national currency at the rate of exchange on Germany on the day of debt's maturity. Lecocq v. Societe des Engrais. Pasicrisie belge, 1921, II, p. 176.

When price of merchandise is payable in pounds sterling, debtor must remit to creditor sum of money which on the date of payment is sufficient to buy the required quantity of pounds sterling. Debtor by not paying on the due date must bear all the losses caused by the variation of rate of exchange and must provide the quantity of francs necessary to complete the agreed payment. Peeters v. Cohen & Cie. Pasicrisie belge, 1921, II, p. 111.

III. FRANCE.

CONTRACTS.

With exception of contracts which allies and associated powers may require to continue in accordance with the right reserved to them by art. 299, sec. 6 of the treaty of Versailles, contracts concluded with enemies are considered annuled on the day when parties thereto became enemies. Therefore, from this moment German commission agent loses his right to dispose of goods received on commission from a Frenchman. German commission agent becomes a simple bailee and is obliged failing restitution in kind to pay actual price of goods with interest thereon. Hallyn v. Basch. Recueil des decisions des tribunaux arbitraux mixtes, 1921, p. 168.

CUSTODIAN (ALIEN PROPERTY.)

Once stock belonging to a German is seized during war, this German can not transfer this stock subsequently to French and Swiss coheirs by way of will. Nobody can bequeath more rights than he possesses himself.

Seizure of the stock impressed it with inability during the continuation of seizure, existing in the interest of France, who possesses in addition the right to liquidate stock by virtue of the treaty of Versailles. Gauz-Orth v. Py es-qualities. Gazette du Palais, Nov. 4, 1921.

Alien naturalized in France, who loses his naturalized status, becomes again an alien. Therefore, when a German was naturalized in France in 1895 and was stripped of his French nationality in 1918, he must be considered as having reacquired German nationality and thereby became subject to the sequestration of all of his property. Recueil de Bordeaux, 1921, I, 173.

Military service in German army coupled with the requisite prior authorization of Luxemburg government confers on a Luxemburger the right of German nationality; and a wife, who married such German officer incontestably acquired the same nationality (German law, June 1, 1870, art. 9, Nos. 2 and 3).

Leave to withdraw from German citizenship (Entlassungsurkunde) which was obtained by this German officer after an ordinance confiscating his property in France was published does not affect the status of his wife who has done nothing since the grant of withdrawal and who is not even mentioned in certificate of withdrawal. Consequently, this wife remains German in the eye of German law as the denationalization of her husband does not entail according to this law *ipso facto* that of his wife. Revue juridique d'Alsace et de L., II, 1921, p. 312.

JURISDICTION.

French courts are not qualified to decide nationality of an alien. National courts of an alien have sole jurisdiction over the questions relating to nationality of their citizens and resi-

dents. Fuchs v. Son liquidateur. Revue juridique d'Alsace et de L., II (1921), p. 183.

Art. 296 of the treaty of Versailles subjects only the pre-war debts to the jurisdiction of offices for verification and compensation. Jurisdiction of suits relating to debts incurred during the war remains within competence of the ordinary judicial tribunals. Lecocq, etc. v. Ste des Engrais. Pasicrisie belge, 1921, II, p. 176.

Frenchmen even though domiciled or resident abroad are still amenable to the process of French court. Diplomatic conventions which in view of this rule are intended to limit French tribunals can not take away this essential feature in the jurisdiction of French court. Therefore, an action for divorce may be duly instituted in France by a French wife against her French husband, especially when it is proved that the latter retained in France domicil or residence. Affaire Sincay. Journal du droit international (Clunet), XLVIII, p. 176.

MARRIAGE.

Form and proof of marriage of a Frenchman performed abroad are in principle governed by the law of the place of performance (locus regit actum). Nevertheless, this rule is optional in the sense that if spouse can not present proof prescribed by such law (Russian in this case), he may prove celebration of his marriage in Moscow by means allowable in French law (Arts. 46 and 194 of Civil Code). Therefore, in absence of a register of marriages regularly kept, proof may be made by registers and papers emanating from deceased parents or by witnesses. Aschard v. Aschard. Gazette du Palais, Nov. 9, 1921.

SECURITY FOR COSTS.

Article 16 of French Civil Code requiring foreign plaintiff to furnish security for costs does not admit of any exception in favor of foreign states, when these states commence actions in France. It applies with particular force in case of a suit commenced by Shipping Board, a subsidiary of the United States government. Shipping Board v. Chemin de fer de P. L. M. Gazette du Palais, July 14-15, 1921.

TAXATION.

Frenchman employee, resident in France and paying all the taxes imposed by French state, cannot be subjected to a tax imposed by a foreign state upon a corporation employing such Frenchman and operating in this foreign state. Therefore it is unlawful for such corporation to deduct from the salary of this employee an amount equal to tax imposed by said foreign state. Held, that French court will order payment to employee of the sums so retained. Dauriac v. Chemin de fer du Nord l'Espagne. Gazette du Palais, Nov. 8, 1921.

TRADING WITH ENEMY.

Order of September 27, 1914 forbidding trading with the enemy applies to deeds and agreements, but not to those which are entirely of an unilateral nature from the start, excluding any possibility of mutuality such as will. A will made by French man in favor of German can not be annulled as constituting an act of trading with the enemy. Heritiers Schmidt. Gazette du Palais, 1921, II, p. 301.

TREATY.

Articles 296 and 72 of the treaty of Versailles are applicable to debts which became due before and after November 11, 1918 and not to debts contracted prior to the armistice, where the amount due must be established by a judicial action, whose very existence was disputed at the time of interlocutory judgment and depends on the final judgment yet to be rendered. Reis v. Ste Werner & Pick. Revue juridique d'Alsace et de L., II (1921), pp. 426, 427.

Mixt arbitration tribunals have no jurisdiction in contracts inasmuch as French law does not confer on these tribunals jurisdiction in an action (art. 304 of the treaty of Versailles). Gazette du Palais, II, p. 397.

Directions of the treaty of Versailles in the matter of nationality do not exclude application of common law with reference to such matter in force in Alsace-Lorraine by virtue of decree, March 7, 1920. The treaty may be supplemented by this common law particularly when the directions of the treaty are not contradictory.

Therefore, applying art. 10 of the Civil Code and without violating the treaty, held that French nationality may be regained by German domiciled in Lorraine, daughter of German parents, who originated in the territory of Sarre and lost their French nationality in 1815 due to the session of this territory. Veuve Wernhauser. Revue juridique d'Alsace & de L., II (1921), p. 116.

Action to rectify irregular application of tariff or errors of calculation made in determining freight must be brought within a year in compliance with art. 12, par. 4 of Bern convention. But this convention was suspended during the war by virtue of art. 1 of Decree August 10, 1914, as a measure dictated by public policy. Cie du Nord. Bulletin annote des Chemins de fer, 1921, p. 46.

It is not sufficient that merchandise sold in Germany was in a warehouse belonging to a resident Frenchman, to entitle the latter to claim an indemnity. According to art. 297e of the treaty of Versailles it must, besides, appear that this sale was ordered by German government or its representatives as a result of the application of exceptional war measures. Sachs & Cie v. Etat Allemand (Philippe). Recueil des decisions des tribunaux arbitraux mixtes, 1921, p. 215.

WAR MEASURES.

Expression "measures exceptionelles de guerre" which entail the responsibility of Germany by virtue of Art. 297 of the treaty of Versailles, does not mean merely various measures which apply solely to enemy goods, but generally all the extraordinary measures occasioned by war, especially requisitions ordered by Germany. Dutreil v. Etat Allemand. Recueil des decisions des tribunaux arbitraux mixtures, 1921, pp. 98 and 156.

WILLS.

Will of an alien made in France in French legal form is governed by national law of testator as to its vadility in respects other than form.

Turkish non-mussulman subject belonging to a sect recognized by Turkish government is subject to special jurisdiction of ecclesiastic tribunals especially in matters of succession. Failure to observe formalities for the legalization of will by ecclesiastic authorities does not affect validity of will, but only impedes its execution. Legalization is a mere formality. No limitation of time is prescribed for the performance of this formality which need not take place before the death of the testator. Gazette des Tribunaux, XCVL (1921), No. 119, p. 602.

WORKMEN COMPENSATION.

Responsibility imposed by French law, April 9, 1898 on employers to compensate injured by accidents due to employment is fixed by the law regulating hire of services. No matter where these services are to be performed law of 1898 must automatically apply. Therefore, once an employee is hired by French employer by contract of labor made in France, law of 1898 applies in whatever country accident may happen—be it abroad or be it in French colony where the law as such is not applicable.

When accident happens abroad or in the colony where law of 1898 is not in force, that justice of peace has jurisdiction over the matter in whose district factory or office to which employee is attached is located. Harsent Freres. Gazette du Palais, 1921, II, p. 155.

IV. GERMANY.

CURRENCY.

As a general rule money is not considered merchandise. However, in particular case foreign coin as well as paper currency may be treated as merchandise. Law March 15, 1919 (R. G. B.) prohibits importation, exportation and transit of Russian rubles. The latter for this reason lose their quality of coins and currency. From means of exchange they become objects of exchange and are therefore merchandise. Juristische Wochenschrift L. (1921), p. 650.

DIVORCE.

German courts have no jurisdiction over divorce between citizens of Czechoslovakia, because such jurisdiction is conferred by art. 606, par 4 of German Code of Civil Procedure, which requires that decision of German court must be recognized by the country wherefrom the parties originate. Czechoslovak law is silent on this point. Juristische Wochenschrift L. (1921), p. 419.

FOREIGN EXCHANGE.

Deposit of public funds transferred by order of client from German bank to a bank in London must be estimated at pre-war rate of exchange, when bank in London during the war was compensated for its credits to German bank by means of this deposit. Bankarchiv, Aug. 15, 1921. p. 334.

Foreign creditor who suffers damage by reason of delay in payment of debt, must be compensated for depreciation in German exchange between the dates of maturity and actual payment of obligation. Juristische Wochenschrift L. (1921), p. 1311.

TREATY.

German trade corporation whose stockholders are not resident in Germany, but which has its central office in Germany, cannot prefer a claim before German compensation office, because it does not satisfy requirement of German nationality imposed by art. 295 of the treaty of Versailles. British Clearing Office v. German Clearing Office. Recueil des decisions des tribunaux arbitraux mixtes, 1921, p. 291.

Under art. 296 of the treaty of Versailles, contracting powers are responsible for debts incurred before the war by their nationals who before the commencement of the war went into bankruptcy. If during the war an amicable settlement was

arrived at according to terms whereof creditors renounced 50 per cent of their debts and are alloted remaining 50 per cent, debtor must be indemnified through the office of verification and compensation. Juristische Wochenschrift, L. (1921), p. 1139.

When German subject makes unlawfully a money deposit with a branch of German firm in Hong-Kong, said deposit must be claimed and restored at Hong-Kong. It is only when German house itself will make restoration impossible in Hong-Kong, that it could not claim the reference of plaintiff to Hong-Kong. It is immaterial in such case that this branch by art. 297 and 298 of the treaty of Versailles must be liquidated in Hong-Kong. If plaintiff is not German she obtains payment of her debt instanter. Default in effecting payment rests with plaintiff herself and not with the assignee. True, that by art. 112 of the treaty of Versailles plaintiff became Dane the moment her domicil became Danish. But this change in nationality when from being German resident she became resident of the allied or associated power could not affect her legal rights in the deposit at Hong-Kong (art. 297, al. 3). However she should endeavor to be paid by liquidator, provided that the debt is not included among those set to reimburse particular English creditors or is part of reparations due from German state. She reserves her right of recourse against German state. Bankarchiv, XXI (1921-1922), p. 40.

V. GREAT BRITAIN.

ALIENS.

It is not a good defense to an action of tort brought by a friendly alien resident in the United Kingdom against an officer of the Crown in respect of the wrongful seizure and detention of the alien's property that the seizure and detention have been adopted and ratified by the Crown as an act of State.

The plaintiff, who was born in Ireland, having become a naturalized American citizen, returned to Ireland in 1916 and took part in the rebellion of Easter, 1916 and was interned. On his release he took part in the illegal drilling, and, on being arrested in Ireland, a sum of money was found upon him, which was taken and detained by the police authorities, the seizure and detention being subsequently ratified by the Chief Secretary for Ireland. In an action by the plaintiff against the Chief Commissioner of the police for the recovery of the money, the defendant pleaded that the plaintiff was an alien and that the money was detained by direction of the Crown as an act of State:—

Held, that the plea was bad and that the plaintiff was entitled to judgment.

Semble, the fact that a subject of a friendly State residing within the realm under an implied license from the Crown violates the local allegiance which he owes to the Crown does not disentitle him to the rights of an alien army until the Crown withdraws its protection. Johnstone v. Pedlar, (1921) 2 A. C. 262; 37 T. L. R. 870; 90 L. J. (P. C.) 181.

CUSTODIAN (ALIEN PROPERTY.)

The provisions of art. 296 of the Peace Treaty with Germany, which declared that enemy debts as therein defined were to be settled through clearing offices to be established after the Treaty came into operation, and the annex to that article are qualified bv art. 297, and the provisions of the latter article and its annex cannot be construed as limited to a confirmation of what has been done under "exceptional war measures" prior to the coming into force of the Treaty, but must be held to validate all acts and procedure done thereafter in the execution of such exceptional war measures:—

Held, therefore, that an action brought four months after the coming into force of the Peace Treaty by the controller with the sanction of the Board of Trade, in the name of enemy subjects formerly carrying on business in London, to recover assets of the business alleged to be in the hands of the defendant was properly brought; and a motion by the defendant to stay the proceedings on the ground that it was prohibited by the provisions of the Peace Treaty was dismissed. Meyer & Co. v. Faber, (1921) 2 Ch. 226; 125 L. T. 531.

The Trading with the Enemy Amendment Act, 1916, s. 1, sub-s. 3, provides that, in the winding up of a business under the Act, assets available for discharging unsecured debts shall be applied in discharging debts due to creditors who are not enemies in priority, to unsecured debts due to creditors who are enemies. Germany was in effective military occupation of Brussels and the greater part of Belgium at the date of an order under s. 1 sub-s. 1, of the Act for winding up the business carried on in this country by a German bank, of which a Belgian bank carrying on business in Brussels was an unsecured creditor:—

Held, that the Belgian bank was a creditor who was not an enemy within the meaning of sub-s. 3. In re Deutsche Bank (London Agency) (No. 2), (1921) 2 Ch. 291; 37 T. L. R. 912; 90 L. J. (Ch.) 449.

For many years there existed in Germany works for the manufacture of dyestuffs, which carried on business in England through agents. In 1878 the agents were a partnership firm consisting of A. and two other persons, but in 1895 A. became the sole partner. In that year a limited company was registered in England and 1898 its name was changed to the B. company. At the times material the German works held 9912 shares and A. 20. By an agreement dated in 1910 between the German concern and the B. Co., the district of the former was defined as the whole world outside the United Kingdom with the Channel Islands and the Isle of Man reserved for the B. co. The German concern and the B. co. mutually bound themselves not to import goods into each other's district except for the purposes of the other respectively. By a contract, dated in 1912, and operative for seven years the same parties entered into exclusive buying and selling agreement. By unwritten agreement the B. co. was bound from its inception to import only from the German concern. From the time of the registration of the B. co. A.'s firm ceased to act as agents for the German concern. The B. co. sold, in its own name, and as a principal; but it announced to the world on its office windows, and to its customers on notepaper and other documents, and by books, catalogs and samples, that it was the sole importer in England of the manufactures of the German concern. It was thus brought home to the customers that they were buying the produce of the German concern as before. The new regime was in effect a continuation of the agency though legally the agency had ceased. The business of the B. co. was conducted by A. and another director, both resident in England, but was controlled by the German concern. The latter supplied the B. co. with lists of prices to be charged by it to the B. co., the B. co. making a profit by selling to customers at a price higher than the list. If an English customer offered to buy at a price lower than the list, the German concern would reduce its price to the B. co. accordingly. The overwhelming shareholding of the German concern in the B. co. caused it to be vitally interested, as seller and buyer, in the contract between the B. co. and the customer.

On April 1, 1921, the B. co. entered into a contract with a British firm for a supply of dyestuffs manufactured by the German concern. It was provided that any duties imposed by the British on the goods should be paid by the British firm or the price should be advanced accordingly. It was further provided that the deliveries or orders off the contract might be suspended by either party if any contingency should arise beyond the control of the parties, such as fire, accidents, war, strikes or the like. The contract covered a period unexpired at the outbreak of war. At that date quantities or dyestuffs remained undelivered and were never afterwards delivered.

An order made by the Board of Trade under sec. 1 of the Trading with the Enemy Amendment Act, 1916, for the winding up of the business of the B. co., and a controller appointed. In the winding up the British firm claimed damages for breach of contract in the non-fulfilment of deliveries. On application to the Court by the Controller for directions whether the claim should be admitted as a debt due from the B. co:—

Held, that at the date of the outbreak of war the B. co. assumed enemy character, on the principles laid down in Daimler Co. v. Continental Tyre and Rubber Co. (1916) 2 A. C. 307, and, accordingly, that the contract became dissolved by the outbreak of war as being a current contract entered into with a company which *eo instanti* assumed enemy character; and that the abrogation of the contract by outbreak of war being founded on public policy, the presence of the suspension clause in the event of war did not assist the claimant, and if "war" in the clause included war between England and Germany the clause was void as against public policy.

But held further (assuming that the B. co. had not acquired enemy character at the outbreak of war), that the claim must fail on the following grounds: (1) that, the contract being for the supply of goods to be obtained from Germany, further performance on the outbreak of war involved intercourse with the enemy and became illegal accordingly; (2) that, the contracts having been made on the basis that the existing commercial relations would continue and that basis having ceased to exist by outbreak of war between England and Germany, the commercial object of the contract had been frustrated, and the contract was dissolved at the outbreak of war.

Held, also, that the suspension clause was not intended by the parties to apply to war between England and Germany. See Veithardt & Hall v. Rylands Brothers, 116 L. T. 706; 86 L. J. (Ch.) 604; Ertel, Bieber & Co. v. Rio Tinto Co. (1918) A. C. 272. 273.

Held, also, that the doctrine of frustration applies to contracts for the sale of unascertained goods. Blackburn Bobbin Co. v. Allen & Sons (1918) 1 K. B. 540, 550; Thornett & Fehr v. Yuills, 37 T. L. R. 31; Hulton & Co. v. Chadwick & Taylor (1918) 34 T. L. R. 230.

Held, therefore, that the claim must be rejected. In re Badische Co. (1921) 2 Ch. 331.

FOREIGN EXCHANGE.

The defendant, an English subject, incurred a debt of 18,035 francs in France. The debt fell due on December 31, 1914, and its value at that date in sterling was £715. In an action for recovery of this debt the defendant admitted the debt, but pleaded that her liability in sterling should be reckoned at the date of the judgment. Between the issue of the writ and the day of hearing the defendant paid 18,035 francs to the plaintiffs in France, and a receipt was given her as for money deposited:—

Held, that in arriving at the proper equivalent in English currency, the rate of exchange prevailing between the two countries on December 31, 1914, when the debt became due, and not that prevailing at the date of the judgment, should be adopted. Societe des Hotels du Touquet-Paris-Plage v. Cumming (1921) 3 K. B. 459.

JUDGMENT.

The defendant, a domiciled Englishman, entered into partnership with other persons in Belgium with the object of erecting and managing certain hotels in connection with the Ghent Exhibition. The defendant became tenant of a house in Ghent for a period of eight months from April, 1913, and employed clerks and other persons. The partnership incurred heavy liabilities, and by a decree of the Commercial Court at Ghent, dated August 9, 1913, the partnership and its members were declared to be insolvent pursuant to an article of the Belgian civil code. The decree was pronounced by the Court without notice to the defendant, but subsequently, in accordance with the recognized procedure, he was notified of the decree and appeared by solicitor to show cause why it should be dissolved. It was, however, affirmed, by the Court of Appeals. The plaintiff, the trustee in the bankruptcy, brought an action in England alleging that the defendant was possessed of assets within the jurisdiction of the English court, and claiming a declaration that all the defendant's assets had become vested in the plaintiff, as trustee:—

Held, that the decree of the Belgian Court was valid, inasmuch as the defendant had submitted to the jurisdiction, that the proceedings were not contrary to natural justice, as the defendant had been afforded an opportunity of being heard, and that, subject to the decision of other issues not before the Court, there should be a declaration that the plaintiff was entitled to all the movable assets of the defendant, wherever situate, and to the appointment of a receiver. Bergerem v. Marsh, 125 L. T. 630.

MARRIAGE.

The validity of a marriage celebrated in a church hall, after publication of banns, by a priest of the Church of England between British subjects in a remote part of China where there was no Church of England was upheld by the Court on the ground that owing to impossibility of complying with the British Acts as to marriage the parties, who enjoyed the rights of exterritoriality, were entitled to resort to their common law rights. Phillips v. Phillips, 38 T. L. R. 150.

SALES.

Under a contract for the sale of goods to be shipped from American seaboard c. i. f. Gothenburg, the sellers tendered, with an invoice for the goods, (a) a document purporting to be a bill of lading, in the following form: "Received in apparent good order and condition from D. A. Horan to be transported by the S. S. Anglia now lying in the Port of Philadelphia . . . . or failing shipment by said steamer in and upon a following steamer, 280 bags Dense Soda," and (b) a certificate of insurance issued by an American insurance corporation, which as the certificate declared, "represents and takes the place of the policy and conveys all the rights of the signed policy holder . . . . as fully as if the property was covered by a special policy direct to the holder of this certificate":—

Held, that the buyers were entitled to reject upon the ground that the proper documents had not been tendered by the sellers in conformity with the contract; for document (a) did not acknowledge shipment, and was therefore not a bill of lading within the c. i. f. contract, and as to (b), a document of insurance is not good tender in England under the ordinary c. i. f. contract unless it be an actual policy, and unless it falls within the provisions of the Marine Insurance Act, 1906.

Marlborough Hill (Ship) v. Cowan and Sons (1921) 1 A. C. 444 commented upon and distinguished. Diamond Alkali Export Corp. v. Bourgeois, (1921) 3 K. B. 443.

By a contract headed "c. i. f." contract, sellers sold to buyers certain tapioca to be shipped at Java for Liverpool "to be taken on c. i. f. terms . . . . Payment cash (before delivery, if required) against documents or delivery order." When the tapioca arrived, the sellers tendered to the buyers a delivery order, but no insurance policy; the buyers refused to take delivery as there was no insurance policy. The sellers contended that under the contract they had the option of tendering either the documents or a delivery order:—

Held, that the buyers were entitled under the contract to the delivery of all documents usual under a c. i. f. contract, or to a delivery order in place of that one of the usual documents which deals with the obtaining of possession, and that therefore the buyers were entitled to refuse to take delivery without an insurance policy. In re Denbigh, Cowan & Atcherley & Co., 125 L. T. 388; 90 L. J. (K. B.) 836.

SERVICE.

In the course of correspondence an Irish firm agreed to act as agent for a Scotch firm, but no reference having been made to any date upon which the agency under the contract was to commence, the Irish firm wrote on June 10, 1911: "We will agree to carry on your agency as from July 1 next on the terms and conditions specified in our joint correspondence." To this communication the Scotch firm replied on June 12: "We note with pleasure that you are agreeable to carry on the agency . . . . as from the 1st prox. on the terms and conditions specified in our joint correspondence." The Irish firm instituted proceedings against the Scotch firm, claiming damages for breach of contract:—

Held, that the letter of June 10 introduced a new and material term, and that the acceptance of that new and material term having been by a letter written in Scotland, leave to issue a writ for service out of the jurisdiction could not be given. Wheeler & Co. v. Jeffrey & Co., C. A. (1921) 2 I. R. 395.

TREATY.

By a settlement dated in 1902 a fund of £5000 was vested in trustees on trust to invest and to pay the income of the trust funds to C. during his life or until he should become bankrupt or charge it, "or until some event shall happen . . . . whereby the said income or any part thereof if belonging absolutely to him would become vested or charged in favor of some other person or persons or corporation" and in the event of the determination during the life of C. of the above trust in his favor the trustees were given a discretion to apply the income for the benefit of all or any the said C. and his present or any other after—taken wife and his issue and the persons interested for the time being under the ulterior trusts, and, subject thereto, were directed to hold the capital and income of the trust funds upon trust for the benefit of the issue of C. and in default of issue upon trust for C.'s nephews and nieces. C. was born in England of English parents but had resided in Germany since 1906 and had been twice married there to German wives. During the war, namely on August 8, 1916, he obtained a certificate of naturalization as a German. In these circumstances a summons was taken out by the trustees to have it determined whether the life interest of C. in the funds was forfeited by virtue of the charge imposed on property of German nationals in this country on January 10, 1920, by virtue of art. 297 of the Treaty of Peace with Germany or the Treaty of Peace Order, 1919 and how the income accrued since August 4, 1914, ought to be disposed of. It was admitted at the hearing on behalf of C. that in a German Court applying German law he would be recognized as a German citizen. No question arose as to the income before November 4, 1915, which had been paid over to C.'s agent:—

Held, that the question whether a person was a "German national" within the meaning of the Treaty and Order fell to be determined exclusively by German municipal law and accordingly that C. was a German national within the meaning of the Treaty and Order:—

Held, therefore, that C.'s interest under the settlement was forfeited as on January 10, 1920, and that subject to the payment of costs the accumulations of income in the trustee's hands from November 4, 1915 to January 10, 1920 must be paid to the Custodian. In re Chamberlain's Settlement. Chamberlain v. Chamberlain, C. A. (1921) 2 Ch. 533; 37 T. L. R. 966.

VI. HUNGARY.

MORTGAGE.

Mortgage deed where the amount is stated in foreign currency may be admitted to registration. Uqvedek Lapja, XXXVIII, evf. 14. sz. 2-3M.

VII. ITALY.

DIVORCE.

Italian citizenship is not lost by reason of acquiring foreign citizenship without simultaneous transfer abroad of the residence of the person in question. Therefore, judgment of divorce granted abroad under these circumstances to spouses married in Italy cannot be enforced because one who is yet an Italian citizen cannot lose his nationality and is subject to the law as to indissolubility of marriage. Paradisi v. Benzone. Giurisprudenza Italiana, 1921, I, 1, 396.

JUDGMENT.

Arbitration decision in a stock exchange matter delivered in Trieste after armistice, but before publication of the annexation

proclamation may be executed in Italy without exequatur proceedings. Retta v. Zoni. Giurisprudenza Italiana, 1921, I, 2, 73.

Judgments rendered by Fiume courts in accordance with local law actually in force must be considered valid judgments of foreign judiciary authority, although made in the name of the King of Italy.

Decision upon the demand for exequatur on foreign judgment of divorce rests with the Court of Appeals of the district where the marriage was performed.

Adherence of Austro-Hungarian Empire to Hague convention upon marriage, adopted in Italy by law of September 7, 1905, did not result in establishing treaty relationship between Italy and each of independent States formed upon the ruin of this Empire. Judgment of divorce regularly rendered by Fiume court between spouses who are no more of Italian but have acquired Fiumian nationality, cannot be made executory in Italy where it becomes final in accordance with law of place, because divorce cannot be granted in Italy contrary to its constitution and public policy. Cerulli v. Fazioli. Giurisprudenza Italiana, 1921, I, 2, 102.

VIII. NETHERLANDS.

ARBITRATION.

Expression "London Arbitration" inserted into contract means that in case of dispute it must be settled by arbitration in accordance with custom prevailing in London and therefore in conformity with law there in force. Woods Sadd Moore & Co., Ltd. v. Jansen & Co., Weekblad van het Recht, 10750.

CONTRACTS.

Contractual obligations executory in foreign countries are regulated by law of such country as parties thereto declare themselves to be subjected. In default of clear expression of parties' intention in the contract the judge must determine in each particular instance by what law parties to contract intended it to be governed. G. J. van Staaten v. "Java." Weekblad voor Privast recht, Notarisambt, etc., 2700.

DIVORCE.

Dutch judge has no jurisdiction over divorce where last joint domicil of spouses was in London. It is true that art. 5, par. 1 of Hague convention of June 12, 1902 states that jurisdiction follows national law of spouses. When complaining wife affirms that she and her husband are of Swiss nationality and that according to Swiss law, judge at complainant's place of domicil has jurisdiction over divorce, inasmuch as Swiss court may recognize separate domicil of wife, if husband's domicil is unknown, yet it is the Dutch and not the Swiss law which must decide the question, because the latter can not supply want of jurisdiction in a foreign court. K. P. v. J. F. K. Weekblad van het Recht, 10748.

FOREIGN EXCHANGE.

When foreign estimates forming subject matter of an action are liable to advance, the value of damages upon which costs of appeal are based, must be determined in accordance with rate of exchange at the time when action was instituted in the court of first instance and not in accordance with rate of exchange at time of action's transfer to Appellate Court. Otherwise right to allow appeal could change from day to day or may be from hour to hour. Born v. Prickarts. Weekblad van het Recht, 10705.

FOREIGN LAW.

When right to parentage rests on cohabitation which took place in Dutch West Indies, while the child was born in Netherlands and mother is Dutch subject, on the question whether law, of Netherlands or Dutch Indies applied, held that in doubtful instances most favorable legislation for the child shall apply. Weekblad van het Recht, 10713.

SECURITY FOR COSTS.

International law has no rule whereby foreign states appearing as complainants shall be exempt from furnishing security for costs. Confirmation of rule may not be spelled out of art. 17 of Hague convention on civil procedure, which disposes with security for costs for the nationals of the contracting parties (Turkish Empire is not party to this convention). This article must be interpreted in the sense that contracting states by stipulating for this exemption to their nationals, thought that said exception naturally applied to themselves for otherwise they would not have failed to state so specifically. Het Ottomansche Keizerrijk v. Roselius en Co. Weekblad van het Recht, 10707.

TREATY.

When contrary to art. 11, par. 2 of the international convention of July 17, 1905 referring to civil procedure, it is omitted to mention the date and the place on which and where examination of witnesses took place, this omission did not entail nullity of proceedings. Kunke v. Verduin. Weekblad van het Recht, 10740.

IX. POLAND.

PAYMENT.

Bill of exchange drawn at Lemberg in favor of creditor residing in Prague where amount payable is stated in Austro-Hungarian crowns, may be paid by debtor in Polish marks computed at the fixed rate of exchange for Austro-Hungarian crowns in accordance with art. 3 of Polish law of January 15, 1920. The fact that after the bill was drawn new form of currency was introduced in Prague is of no consequence because at the time the bill was made none of the parties had any idea of Czechoslovak crowns. Czechoslovak law of April 10, 1919, which enacts by art. 6 that all the debts payable in Austro-Hungarian crowns in Czechoslovakia shall be payable in Czechoslovak crowns does not bind foreign creditor. Berichte aus den neuen Staaten, July 23, 1921, p. 1010.

X. SWITZERLAND.

CAUSE OF PROSECUTION.

By virtue of art. 50 of Federal law relating to prosecution (L. P.) "debtor domiciled abroad who has an office in Switzerland may and shall be prosecuted for the debts of the same." Investigating authorities having jurisdiction of the cause of prosecution may interpret this article generally, to wit: Whether a particular cause of prosecution relates exclusively to debts contracted by Swiss office or to all the debts of debtor. According to French text of art. 50 which is to be preferred, there is no reason to limit the right to prosecute debtor domiciled abroad merely to debts contracted by his office in Switzerland. Steinmeyer v. Autorite de surveillance de Soleure. Recueil officiel des arrets, 47, III, Ire livraison.

CONSTITUTIONAL LAW.

To invoke art. 31 of Federal constitution guarantying the liberty of commerce and industry, aliens must prove that existing treaties concluded with their country of origin assure them in this respect equal treatment, which is not always the case. As a matter of principle art. 31 does not guarantee to anybody except to Swiss citizens the liberty of commerce and industry. Girbal Freres v. Conseil d'Etat du canton de Lucerne. Journal des Tribunaux, 1921, p. 458.

CUSTODIAN (ALIEN PROPERTY.)

Debts and other incorporeal rights cannot be seized and are considered to be located at the domicil of their owner or, if the latter is domiciled abroad, at the domicil of the debtor in Switzerland. This principle is applicable to rights subject to levy which a partner may have in partnership. If such partner is domiciled abroad, his rights can not be seized in Switzerland as in the case of corporation with registered office in Switzerland (and not merely an agency), the reason being that corporeal domicil is there where its office is located. Dame Givaudan v. Autorite de surveillance de Geneve. Bulletin de l'Institute Interm. Int., VI, 1, p. 131.

MARRIAGE.

So long as wedlock ties are in force spouses in their mutual monetary relations are subject to laws of their first conjugal domicil (art. 19 of Federal law, June 25, 1891 on civil rights of domiciled and resident citizens). French spouses are therefore subject to French law and could not enter on Swiss register real property as owned by the wife alone, for by French law it is acquired for the joint account of both spouses. Autorite de surveillance du registre foncier. Semaine judiciaire, 43, 232.

DAMAGES.

Conversion of damages equal to profits that German purchaser would realize by resale of merchandise in Germany, when made into Swiss francs must be made at the rate of the mark on the date on which said profit could be normally realized, subsequent depreciation of the mark being born by seller guilty of delay. Vereinigte Tricotfabrieken A. G. v. Meier-Umbricht. Bulletin de l'Institut Interm. Int. VI, 1, p. 123.

Damages due to forwarder, a commissionman, resident in Switzerland on account of loss of merchandise shipped to Germany, must be determined in accordance with German law and in German currency but the carrier is responsible to complainant besides damages also for the fall of the mark from the day on which action was instituted. Horpel-Rossler v. Neumeyer. Bulletin de l'Institut Interm. Int. VI, 1, p. 123.

SALES.

Swiss law is applicable to an action commenced by German buyer on account of default made in delivery of an article sold by Swiss firm since contract was made in Switzerland and price was fixed in Swiss francs, though this price was stipulated to be paid after the delivery of merchandise in Germany. Vereinigte Tricotfabrieken A. G. v. Meier-Umbricht. Bulletin de l'Institut Interm. Int. VI. 1, p. 123.

XI. UNITED STATES OF AMERICA.*

Maine.

ADMIRALTY.

Admiralty and maritime jurisdiction extend not only to all things done upon and relating to the sea, to transactions relating to commerce and navigation, to damages and injuries upon the sea, and all maritime contracts, torts and injuries, but beyond the high seas to waters navigable therefrom. Berry v. Donovan & Sons, 115 A. 250.

ALIENS.

A State may lawfully prohibit the acquiring of lands by aliens if there is no treaty to the contrary.

The Alien Land Act of Washington, which prohibits the purchase or lease of land by any alien who has not in good faith declared his intention to become a citizen, held constitutional and valid. Terrace v. Thompson, 274 F. 841.

California.

The word "person" within U. S. Constitution, Amendment 14, No. 1, prohibiting a State from denying to any "person" within its jurisdiction the equal protection of the laws, includes aliens.

The Alien Poll Tax Law of 1921, imposing a poll tax on alien inhabitants without requiring such tax to be paid by similarly situated citizens of the United States, held violative of U. S. Constitution, Amendment 14, No. 1. *Ex parte* Kotta, 200, p. 957.

Connecticut.

An alien indicted for violation of the Sedition Act is not deprived of the equal protection of the law by the Court's conclusion that he is not within Bill of Rights Nos. 2, 5, 6, guarantying to citizens free speech and the right to change the form of government, and that therefore he can not attack the act as violative of such sections. State v. Sinchuk, 115 A. 33.

COMMERCE.

A statute enacted by a State in the exercise of its police power is not invalid, as in violation of the commerce clause of the Constitution, because it may incidentally affect foreign or interstate commerce, if such effect was not the object of the Legislature, but results from the legitimate protection of the people of the State in their health, or from fraud and deceit, intentional or otherwise.

Laws Washington, 1915, p. 274, as supplemented by Laws 1919, p. 290 requiring eggs imported from foreign countries and offered for sale in the State to be sold as such, and to that end that each imported egg shall be marked with the name of the country in which it was produced, and that broken eggs or those offered for sale in other than the original form shall be similarly designated by marks on the containers or packages, but which exact no license fee, and place no restrictions on dealing in or use of such eggs, held not unconstitutional, as imposing a restraint on foreign commerce. Amos Bird Co. v. Thompson, 274 F. 702.

New York.

CONTRACTS.

Agreements for commissions in obtaining contracts from the government are not void or against public policy unless they contemplate that such contracts are to be obtained by the use of improper and corrupt means or by undue influence. McCraith v. Buss, 190 N. Y. S., 597.

CORPORATIONS.

A corporation cannot be sued in a jurisdiction foreign to that of its organization unless it is there doing business at the time the action is commenced. Miller v. Minerals Separation Ltd., 275 F. 380.

When a corporation from another State complied with Comp. Laws Mich., 1915, No. 9066, and received certificate of authority to do business in the State in accordance with such provisions, the transaction constituted a contract between it and the State of Michigan, entitling it to carry on business in such State on the terms and conditions prescribed by such statute. Republic Acceptance Corporation v. De Land, 275 F. 632.

Alabama.

Though a sale of stock through an agent was subject to approval by the company at its home office in another State, the negotiation of the contract and the acceptance of a note for the purchase price in Alabama constituted the business of selling stock therein within Code 1907, Nos. 3651-3653, denouncing as valid all contracts made in that State by foreign corporations without having first procured a permit by paying a franchise tax, as required by Code 1907, No. 3647. Langston v. Phillips, 89 So. 523.

The State may sue a foreign corporation for franchise taxes due and unpaid under Acts 1911, p. 170, No. 12. State v. Crane Co., 89 So. 901.

A corporation must dwell in State in which created, and though it may do business wherever its charter permits, provided the right is not denied by the local law, the powers and limitations of its charter are the same in other States in which it does business as in the State of its creation.

State courts have no jurisdiction to interfere by injunction, mandamus, or otherwise in the management of the internal affairs of a foreign corporation, at the suit of a resident stockholder, even though the corporation may maintain an office and place of business in the State, and may expressly or impliedly agree to submit to the jurisdiction of the court in suits against it. The Circuit Court has no jurisdiction in a suit by a resident stockholder of a foreign corporation, required under the laws of the foreign State to keep its records in such State, to compel other foreign corporation, incorporated in same State, to issue stock in such other corporation to such stockholder, on theory that there has been a merger of the two foreign corporations, since the court can not exercise visitorial powers and interfere in the internal affairs of the foreign corporations, notwithstanding Code 1907, No. 3054. Boyette v. Preston Motors Corporation, 89 So. 746.

New Hampshire.

Where a foreign corporation had not complied with Laws 1913, c. 187, at time of entering into contract and suing for the first installment, but had complied with the statute before the present suit for the second installment, it is not prevented from suing since a failure to pay a prior installment due on the contract before compliance with the statute was not a breach of the entire contract. Blanchard & Sons v. American Realty Co., 115 A. 4.

New York.

Under Civil Code No. 438, subd. 1, providing for service by publication when defendant is a foreign corporation, the levying of an attachment is not essential to the granting of an order of publication against a foreign corporation or nonresident: said section not being limited by the amending act of 1920 (Laws 1920, c. 478), and sections 638, 644, 707, 1217, showing legislative intent not to require attachment as a prerequisite. Cahill v. Broadwell Productions, 190 N. Y. S. 225.

Invitation by circular to buy stock in a foreign corporation by application to its secretary and treasurer, who resided within the State, where the corporation disclaims any responsibility for such circular, and there have been no sales, and no proof of any response to such advertising, held not to subject it to process as doing business in the State. When the secretary and treasurer of the foreign corporation lives in this State for his own convenience, and there is no proof that the corporation ever transacted any business in this State, such residence does not bring the corporation here, so as to make valid service of a summons on him. Hulick v. Parent Petroleum Corporation of America, 190 N. Y. S. 377.

Service of a summons on the agents of a foreign corporation doing business in this State, through agents who solicit orders and enter into contracts for the sale and delivery of the defendant's merchandise and are the managing agents of the business that defendant transacts with the State, is valid, and it is immaterial that the contracts were to be approved by the corporation and remittances made to it. Bersin v. John Boath, Jr. & Co., 190 N. Y. S. 398.

Services of summons on director of foreign corporations, which was not engaged in business within the State, had no branch office or agency therein, had no certificate of authority to do business in the State, under General Corporation Law No. 15, and had never applied for such certificate, while director was temporarily in the State on business not connected with the corporation held insufficient to give court jurisdiction over the corporation. Laing v. Bristol Brass Corporation, 190 N. Y. S. 433.

In action against foreign corporation, complaint alleging that defendant received from plaintiff an overpayment of goods amounting to specified sum, that plaintiff, not knowing exact value of merchandise sold, to it by defendant, paid defendant a specified sum in excess of the amount due, that defendant retained excess sum, notwithstanding plaintiff's demand therefor, verified by president of plaintiff corporation of his own knowledge, and supported by affidavits of the president stating, in addition to the facts so alleged, that defendant is a foreign corporation, and that amount is claimed due over and above all counterclaims known to the plaintiff, and letters and documents including invoices from plaintiff to defendant showing credit given to plaintiff for such specified amount, held to sufficiently show a cause of action in favor of plaintiff, to warrant issuance of a warrant of attachment. Finchley, Inc. v. Cooper & Co., 190 N. Y. S., 414.

Whether a foreign corporation is doing business in the State is largely a question of fact to be determined by the court under the particular circumstances of each case.

Buying by a foreign corporation in the State is doing business just as much as selling.

Jurisdiction of a foreign corporation is given when the contract sued on is made in the State by it through the agency of an officer on whom process is served within the State.

A foreign corporation conducting a wholesale business and frequently buying goods in the State by letter and occasional visits by its treasurer, who inspected goods and placed orders therefor, was present and apparently doing business in the State by such officer when sued on his order for goods at an exhibit in the State which he attended, though his orders were required to be confirmed at the home office where payments therefor were also made. National Furniture Co. v. Speigelman & Co., 190 N. Y. S. 831.

Tennessee.

A corporation is "doing business" in a State when it transacts therein some substantial portion of its ordinary business, continuous in character, as distinguished from merely casual or occasional transactions.

Where contract to appraise property in Tennessee by an Illinois corporation, and before becoming valid had to be approved at the office of the Illinois corporation located in that State, the transaction was interstate business and was not a transaction of business in the State of Tennessee within the statutes respecting foreign corporations.

Although a foreign corporation is guilty of carrying on business within the State without complying with the statutes, it is not precluded by this from suing in the State courts on a contract constituting interstate business.

Although Acts 1877, c. 31, Acts 1891, c. 122, and Acts 1895, c. 81, concerning terms on which corporations can carry on business in the State, were passed as a matter of public policy, and not for the benefit of parties sued, before a foreign corporation can sue in the State courts on a contract made and performed while it was unauthorized to do business in the State, it must comply with the statutes concerning transaction of business within the State by foreign corporations. Lloyd Thomas Co. v Grosvenor, 233 S. W. 669.

Michigan.

COURTS.

Where legatee assigned his right to amount payable to him, and then repudiated the assignment, and executor filed a bill of interpleader, in which legatee asked that a decree of interpleader be entered, the court properly entertained jurisdiction and disposed of the case, notwithstanding that, pending the action, another action was brought in another court in a foreign State by the legatee against the assignee, to recover money paid and to rescind the assignment on the ground of fraud, under the rule that the court which first obtains jurisdiction has the exclusive right to decide the matter in issue. Mulford v. Stender, 184, N. W. 490.

CUSTODIAN (ALIEN PROPERTY.)

Where some of the members of a German partnership were German subjects, and others were citizens of the United States, where a branch of the business was conducted, the American members held entitled, under Trading with the Enemy Act, Oct. 6, 1917, No. 9 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, No. 31151/2e), to recover their share of the property and assets of the firm in the possession of the Alien Property Custodian and the Treasurer of the United States. Rossie v. Garvan, 274 F. 447.

Section 9 of the Trading with the Enemy Act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, No. 31151/2e), amended June 5, 1920, to provide that a debt shall not be allowed under this section against the Alien Property Custodian, unless it was owing to and owned by claimant prior to October 6, 1917, was within the valid powers of Congress as applied to an attorney's inchoate lien for services in defending a claim against the property subsequent to October 6, 1917.

Notwithstanding sec 7 of the Trading with the Enemy Act. (Comp. St. 1918, Comp. St. Ann. Supp. 1919, No. 31151/2e), providing that an enemy or ally of an enemy may defend by counsel any suit in equity or action at law, under sec. 9 (sec. 31151/2e) an attorney may not recover from property in the hands of the Alien Property Custodian for legal services rendered since October 6, 1917, because his claim is not an interest, right, or title in the property conveyed, or a debt owing from an alien enemy accruing prior to October 6, 1917, and if the services were rendered to the alien or to the property, they were unlawful, except as they were directly in defense of an action.

An alien enemy's consent, assignment or acquiescence in an attorney's claim for services in defense of property now in the hands of the Alien Property Custodian can give the attorney no title to the property.

Where a claim for services as an attorney rendered prior to April 30, 1915, had been acquired by plaintiff from his former law partner on the dissolution of partnership prior to October 6, 1917, plaintiff may recover on such claim against property of the alien in the hands of the Alien Property Custodian, although assignment of the claim by plaintiff's former partner was made in April, 1919; it not being an assignment prohibited by sections 7 and 9 of the Trading with the Enemy Act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, Nos. 31151/2d, 31151/2e), and being in no way by or on account of the alien enemy. Wilson v. Miller, 274 F. 808.

In view of Executive Orders of October 12, 1917, and December 3, 1918, promulgated pursuant to sections 5 (a) and 6 of the Trading with the Enemy Act, the Alien Property Custodian had authority under said Act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, Nos. 31151/2a, 31151/2j) to determine who were alien enemies whose property should be turned over to him.

A demand by the Alien Property Custodian upon a domestic corporation to transfer stock held by an alien enemy immediately vested in such officer title to the stock, outstanding certificates being merely evidence of the ownership of the stock, which had its situs in the United States where it was deemed to be held by the corporation for the benefit of the owner, in view of Rules 2(a) and 2(c), promulgated by the President on February 26, 1918 under the authority of Trading with the Enemy Act, No. 5(a), being Comp. St. 1918, Comp. St. Ann. Supp. 1919, No. 31151/2c.

Congress intended, when enacting the Trading with the Enemy Act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, Nos. 31151/2a, 31151/2j), that the President should cause property of every kind belonging to an alien enemy, tangible or intangible to be seized.

Rules 2(a) and 2(c), promulgater by the President on February 26, 1918, under the authority of Trading with the Enemy Act, No. 5, Supp. 1919, No. 31151/2c, providing that a demand by the Alien Property Custodian, was no reason why the corporation should not transfer the stock to such officer upon his demand under the Trading with the Enemy Act, since section 9 provides an adequate remedy for the true owner and the corporation is completely protected by section 7 (e).

In a proceeding by Alien Property Custodian to compel transfer of corporate stock owned by alien enemy on books of domestic corporation, the decision of the court should not be affected by the armistice between the United States and Germany, on suggestion that whether or not, in view of the armistice, the action in question should be prosecuted, was a matter for the determination of those charged with the administration of the Trading with the Enemy Act.

After the amendment of Trading with the Enemy Act, No. 7(c), a corporation could be required on demand of the Alien Property Custodian to issue new certificates of stock held by alien enemies without presentation of the outstanding certificates for cancellation; such act being a war measure, and Congress omitted such requirement. Garvan v. Marconi Wireless Telegraph Co., of America, 275 F. 486.

Under Trading with the Enemy Act, Nos. 5a, 6, 7a, 7c, 7d, 7e (Comp. St. 1918, Comp. St. Ann. Supp. 1919, Nos. 31151/2c, 31151/2d), the Alien Property Custodian, as representative of the President, has authority to determine, after investigation, whether property is held for or on behalf of an enemy, and one holding such property will be fully protected on compliance with the Custodian's demands. The objection that the preliminary investigation required by Trading with the Enemy Act, No. 7c, (sec. 31151/2d) was not made by Alien Property Custodian before demanding property from the holder thereof, cannot be made in a proceeding to enforce the Custodian's demands instituted under sec. 17 (sec. 31151/2i), where the Custodian's determination and demands as to such property positively asserted that such investigation was made.

Where a trust company held securities under a trust agreement "for the joint account" of W. and S. and was obligated to pay over such securities and interest "to either the said" W. or S. or "the survivor of them," the trust company, on demand for the property by the Alien Property Custodian under the Trading with the Enemy Act, could not base a defense on the claim that S., who alone had been determined to be an alien enemy not holding a license from the President, owned at most but a part of the property, as it was bound to deliver the property to either W. or S. on demand, so that, if either was an enemy the Alien Property Custodian, by taking the requisite steps under the Act, would be substituted in the place of the enemy and entitled to demand and recover the trust fund.

In Alien Property Custodian's suit for possession of alleged enemy property under Trading with the Enemy Act, No. 17 (sec. 31151/2i) questions as to title or interest in the property cannot be determined, but can be raised only by filing a claim and instituting the proceeding as provided by sec. 9 (sec. 31151/2e).

Where a trust company reported to the Alien Property Custodian that one of its clients was a resident of enemy territory, and that under a trust agreement she had a right to demand of

the trust company that certain moneys and securities held by it be turned over to her, the Alien Property Custodian could justly determine that the properties were held for an enemy on that report alone, under Trading with the Enemy Act, No. 7c (sec. 31151/2d) Garvan v. Commercial Trust Co. of New Jersey, 275 F. 841.

California.

As trading with the Enemy Act, as amended (U. S. Comp. St. Ann. Supp. 1919, Nos. 31151/2a, 31151/2j), was expressly excepted from the operation of the joint resolution terminating war time acts adopted March 3, 1921, and the former act itself provides that it shall remain in force until the end of the war, and the war not having been declared ended at the time of a probate decree declaring property to belong to a German corporation, no constitutional rights were violated by decree turning over the property to the Alien Property Custodian.

Where the enemy alien character of the appellant corporation is apparent on the face of the decree in view of the fact that every intendment in favor of the probate decree distributing the property of appellant to the Alien Property Custodian, it must be presumed that such Custodian, shown by the decree, to have been represented by counsel when the distribution was ordered had regularly appeared and made any and all demands and given all notice essential under the Trading with the Enemy Act, as amended *supra*, in the manner provided by the Act.

The provisions of the Trading with the Enemy Act as amended, particularly section 7, subd. c., relating to requirements of the President as to conveyance to the Alien Property Custodian, and section 12, providing that money received by the Custodian shall be deposited to the Treasurer of the United States to be administered with other property by him as a common law trustee, required the superior court, in the distribution of property decreed to belong to an alien enemy corporation to assign the same to the Alien Property Custodian, in view of demand made and notice given by him, to be held and accounted for by him as provided in the act, properly guarding in the decree all the rights of appellant corporation.

Notwithstanding the limited function of superior courts in probate matters under our statutes, the superior court had the right in decreeing property to belong to an alien enemy corporation to provide for its distribution to the Alien Property Custodian since any distribution which did not regard the interest of the United States would be in substantial violation of the provisions of the Trading with the Enemy Act, as amended. In re Bosse's Estate, 200 P. 412.

New York. **DIVORCE.**

Where a woman, after obtaining a void foreign divorce, remarried and continued to live with her second spouse, the first husband notwithstanding he had also contracted a marriage, is entitled to a divorce to legitimatize later issue; the wife being estopped from attacking the foreign decree and taking advantage of her own wrong. Kelsey v. Kelsey, 190 N. Y. S. 52.

New York. **DOMICIL.**

To effect change of domicil, there must not only be a change of residence, but an intention to abandon the former domicil and acquire another as the sole domicil, and intention only will not do it, but the two taken together do constitute a change of domicil, yet domicil may exist without actual residence. Long continued absence from a domicil is not an indication of abandonment, so long as the intention to return exists. In re Frick's Estate, 190 N. Y. S. 262.

New York. **EVIDENCE.**

Where notice of appeal from order assessing transfer tax is sufficient to raise question of certain legacies being charges on the real estate of decedent dying in Germany, appellant may be allowed to submit further evidence thereon, where, because of the war with Germany, it was impossible to procure evidence at the trial. In re Soltau's Estate, 190 N. Y. S. 319.

EXECUTORS AND ADMINISTRATORS.

Under Code Iowa, No. 3306, a foreign administrator can not sue in its courts, but must take out letters of administration in that State in order to sue. Northwestern Mutual Life Insurance Co. v. Johnson, 275 F. 757.

Georgia.

Court of equity had jurisdiction to entertain suit by executrix, appointed in another State, where will was probated, to sell land within the State, and decree ordering sale was valid and binding on all persons who might take under the will, although contingent rights were involved. Penton v. Myers Park Place Corp., 108 S. E. 462.

Indiana.

Burns' Ann. St. 1914, No. 2746, is declaratory of the common law rule that the assets of a non resident decedent cannot be removed from the State until claims of citizens are paid or provided for. Where a nonresident decedent left as assets in this State a note to be collected at the home of the debtor, such assets are part of the estate where the debtor resides and not at the domicil of the decedent.

Under Burns' Ann. St. 1914, No. 2743, letters of administration on the estate of a nonresident having been granted in a county of this State and assets found there, the right of administration extends to all the estate in every county of the State to the exclusion of other administrators.

The appointment of an administrator in the State where a nonresident died cannot affect the duty or right of the administrator in this State to proceed to collect debts due here, and the title of the resident administrator is exclusive until local claims are satisfied. Hensley v. Rich, 132 N. E. 632.

New York.

Where resident trust company qualified as an executor and received the appointment in another State, although it holds the larger proportion of the assets of the estate within this State, in its capacity as executor it is a "foreign executor," which means the foreign origin of the representative character, not the mere nonresidence of the individual holding the office.

Although Code. Civ. Proc. No. 1836a, gives the right to foreign executors or administrators to sue or to be sued in any court in this State in his representative capacity, it was intended to remove their disability and to allow them free access to our courts, but not to remove their immunity from action in this State.

Where the action is not in rem and does not affect the res, but is to establish liability of the executor for the acts of the testator, the presence of assets of the estate in this State does not give the court jurisdiction. Hill v. Guaranty Trust Co. of N. Y., 190 N. Y. S. 653.

The surrogate will not direct payment of certain sums to foreign executors of deceased nonresident legatees, but will require the appointment of and direct payments to be made to, ancillary representatives, in view of Code Civ. Proc. Nos. 2632, 2633. In re Densmore's Estate, 190 N. Y. S. 368.

A foreign executor may appear specially to set aside a summons and where plaintiff has not shown that he has a cause of action against such executor, by reason of its falling within an exception to the general rule that a foreign executor cannot be sued such summons will be set aside.

The general rule that a foreign executor may not be sued as such is not changed by Code Civ. Proc. No. 1836a. Osterling v. Frick, 190 N. Y. S. 275.

West Virginia.

Although a foreign executor is authorized by Code, c. 84, No. 6 (sec. 3984), to sue in equity for the transfer of testator's property in the hands of a personal representative in this State, he is not thereby authorized to maintain a suit in this State for any other purpose.

Though a nonresident, acting in the dual capacity of executor and trustee of an estate, may sue in the courts of this State as trustee, he must comply with the requirements of our practice in order to institute and maintain his suit, Code, c. 85, No. 4 (sec. 3991), and chapter 84, No. 6, (sec. 3984).

Unless empowered to do so by a statute, a foreign personal representative cannot sue in the courts of this state. Winning v. Silver Hill Oil Co., 108 S. E. 593.

New York. **FOREIGN EXCHANGE.**

Where plaintiff purchased of defendant a cable transfer of $305 but, owing to cable company's error, the payee never received the proceeds, plaintiff could recover the consideration paid. As respects rights of recovery of money paid for a cable transfer not delivered on account of error by cable company, a clause in defendant's contract exempting from liability for "loss or damage" on account of delay or mistake in transmitting has no application.

In action for the recovery of money paid for a cable transfer, delivery to the payee not having been effected on account of an error by defendant or its agent, a clause in defendant's contract that if delivery "cannot be effected" the bank's liability is limited to the current market value in New York at the time of refund has no application; the clause "cannot be effected" implying that the limitation should not be applicable to cases of mistake or neglect. Safian v. Irving National Bank, 190 N. Y. S. 532.

Where a contract with an express company for the transmission of money provided that it was not to be responsible for loss occasioned by errors or delays of its correspondents, it is not liable for loss in value in foreign money, caused by the delay of its correspondent in Europe, if there was such delay.

Under a contract by an express company to transfer money by cable to a person in Braila, Rumania, it did all that was required by cabling the amount to its correspondent in Braila, who

notified payee that the money was to her credit, though she did not recieve the notice.

Where an express company contracted to transfer money to a person in Europe, and the money was not called for, the duty was implied to return to the sender the value of the foreign money at the time of demand for its return. Sommer v. Taylor, 190 N. Y. S. 153.

Mississippi. **INSURANCE.**

Code 1906, No. 2606 (Hemingway's Code, No. 5069), provides that a foreign insurance company must file an instrument with the insurance commissioner making him its attorney in fact for service of process, agreeing that such service shall be as effective as if served upon the company, and, in view of No. 937 (Hemingway's Code, No. 4115), where so done, process served upon the insurance commissioner will support a judgment against the insurance company and the validity of such service cannot be attacked on appeal.

In view of Code 1906, No. 2569 (Hemingway's Code No. 5034), where a foreign insurance company executes power of attorney provided by Code 1906, No. 2606 (Hemingway's Code No. 5069), and is sued and process served upon the insurance commissioner, Code 1906, No. 920 (Hemingway's Code, No. 4094) is not applicable, and service of process on the commissioner will support a default judgment, even though the clerk does not mail a copy of summons to the address of the foreign insurance company. Where process is served upon the state insurance commissioner as attorney in fact of a foreign corporation, under a written power of attorney filed in his office as required by law, and no motion is made during the term to set aside such judgment, the court will presume that the insurance commissioner mailed a copy to defendant, as required by law, and that it was duly received. Fidelity & Casualty Co. of N. Y. v. Cross, 89 So. 780.

California. **JUDGMENT.**

Proceedings in the Supreme Court of Ontario, Canada, finding a corporation insolvent and listing the amount for which the stockholders residing there are liable, is binding and enforceable here, though notice of the proceedings was not served on them within the jurisdiction of that court; the only notice had, being served here. Clarkson v. Moir, 201 P. 474.

New York.

Since by Code Civ. Proc. Nos. 1216, 1217, a money judgment cannot be entered on default in appearance, where defendant is a nonresident or a foreign corporation, and was served without the State, or otherwise than personally, unless a warrant of attachment has been issued and levied, and by section 707 a judgment entered because of levy of attachment can be enforced only against the property seized thereunder, the rights of a nonresident defendant can in no way be seriously affected by an order permitting service on him by publication. Cahill v. Broadwell Productions, 190 N. Y. S. 225.

Illinois. **SALES.**

Where contract for purchase of nuts to be shipped from Italy stated that marine and war insurance was to be covered by consignees and the letter of credit to the sellers stated "insurance, including war risk, effected by the importers" held, that buyers, who failed to insure the shipment before loss, were not misled by want of correct notice of time of shipment, and sellers were not liable for failure to give correct notice of time of shipment under Uniform Sales Act, No. 46, par. 3. Maffeei v. Ginocchio, 132 N. E. 518.

Texas.

Contract to sell specified number of bales of cotton at specified price "basis middling f. o. b. Tahoka," held not to obligate sellers to deliver middling cotton, but merely made middling cotton the basis in ascertaining the price to be paid for other grades, in view of custom to grade and classify cotton at the time of delivery as the basis of settlement. Von Harten & Clark v. Nevels, 234 S. W. 676.

TAXATION.

New York Tax Law, Nos. 208 to 219L, providing that a foreign corporation for the privilege of doing business in the State shall pay a tax of 3 per cent on its local income, to be determined by a consideration of the relative value of its entire property and accounts receivable and of its property and accounts receivable in the State, but which authorizes the corporation to present, and the assessing commission to consider, other relevant facts, held to provide a rule of allocation *prima facie* valid. Gorham Mfg. Co. v. Travis, 274 F. 975.

Massachusetts.

The commonwealth could not levy income tax for income received during 1917 by a person who was a resident of another State, until January 26, 1918, at which time he became a resident of the commonwealth, under St. 1916, c. 269 (now G. L. c. 62). Hart v. Tax Commissioner, 132 N. E. 621.

New Jersey.

To determine the value of the entire estate of a nonresident decedent for purpose of ascertaining the ratio the undevised or unbequeathed property in this State bears thereto as provided by Transfer Tax Act 1909 (P. L. p. 325), the legal exemptions are first to be deducted from the entire estate, but the property in this State specifically devised or bequeathed cannot be so deducted. In re Kountze's Estate, 115 A. 93.

TRADE MARK.

A domestic corporation, which purchased the United States trade mark of a foreign corporation and engaged in the business of buying the product of the foreign corporation, packing it in this country in trade-marked packages and selling it to the public, can prevent another from purchasing the product already packed in the foreign country and reselling it here in the foreign producer's package, which bore a trade mark substantially identical with the United States trade-mark. Bourjois & Co. v. Katzel, 274 F. 856.

TREATY.

If a State Constitution or statute conflicts with a treaty, it is either void or suspended during the existence of the treaty. Terrace v. Thompson, 274 F. 841.

A treaty between the United States and a foreign country will not be regarded as abrogated, and rights created thereby taken away, by a subsequent statute by implication, unless an intention to that effect is clearly and unequivocally indicated by the necessary operation of such statute.

The provision of the treaty of July 4, 1871 (17 Stat. 863), between Great Britain and the United States, giving the right to transport merchandise in bond through the United States to or from British possessions, remains in force and was not abrogated by the National Prohibition Act as to intoxicating liquors, nor does such act by implication repeal Rev. St. No. 3005 (Comp. St. 5690), authorizing transportation in bond through the United States of merchandise in transit between foreign countries, and the shipment of whiskey in bond through the United States from Canada to Mexico is lawful and within the rights of the shipper under the treaty and statute. Walker & Sons v. Lawson, 275 F. 373.

California.

The treaty between the United States and Japan of April 5, 1911 (37 Stat. 1504), relating to the rights of the subjects of each of the parties in the "territories" of the other, held applicable to subjects of Japan in the several States as well as in the territorial possessions of the United States.

Alien Poll Tax Law, enacted pursuant to Constitution art. 13, No. 12, requiring alien male inhabitants to pay a poll tax without making such requirements applicable to similarly situated citizens of the United States, held void as to Japanese subjects, being violative of the treaty between the United States and Japan of April 5, 1911 providing that the citizens or subjects of each of the parties shall enjoy in the territories of other the same rights and privileges as are granted to native citizens or subjects. *Ex parte* Heikich Terui, 200 P. 954.

Texas.

Vernon's Sayles' Ann. Civ. St. 1914, art. 3987, so far as it denies to an alien a license to engage in business as a wholesale dealer in fish, and Pen. Code 1911, art. 917, making it a crime to be a wholesale fish dealer without having procured a license are invalid as in conflict with the treaty of November 17, 1880 (22 Stat. 827) between China and the United States, giving to Chinese in the United States all the rights of citizens of the most favored countries. Poon v. Miller, 234 S. W. 573.

U. S. COPYRIGHT DECISION

The publication in Italy of the words and music of a song written in the Italian language and copyrighted in Italy does not prevent American copyright four years later, where there had been no publication in the United States prior to that of the copyright owner, the publication in the United States was in the Italian language and thus identical with that in Italy, and all copies sold in Italy bore a statement thereon that the proprietor owned the rights for all countries and that all rights were reserved. Italian Book Co. v. Cardilli, 273 F. 619.

MARINE LAW SECTION.

1. France.

The rule of article 19 of the International Regulations of February 21, 1897, according to which, when two merchant steamers are following the routes crossing each other, the vessel which is following the other on the starboard must remove itself from the route of such other vessel, does not prevail in all cases of crossroads whatever may be the distance and the speed of the two vessels. This obligation does not commence, according to the text of said article, until the time when the risk of collision becomes apparent. Cie Maritime Bordeaux-Ocean. Gazette du Palais, 1921, II, p. 157.

The law applicable to charter parties, apart from an agreement to the contrary, is the law of the place where the contract is made. If, consequently, the law of the place of making of a charter party is French it is immaterial that it is worded in the English language. Heraud v. Societe Commerciale. Gazette du Palais, November 13, 1921.

2. Great Britain.

A foreign ship was seized under a sheriff's writ of *fi. fa.* in execution of a judgment obtained by the charterers of the ship against the owners of 56-64th shares in the ship. Subsequently, the ship was arrested by the admiralty marshal in an action in *rem* for necessaries. Various other writs in *rem* were issued against the ship, including a writ by the master in respect of wages. The sheriff was unable to effect a sale, and the ship was sold by the marshal without prejudice to the rights of the various claimants:

Held, (I) that the sheriff was entitled to seize the ship as a whole, although he could only have sold the 56-64th shares belonging to the judgment debtors;

(II) That the fact that the sheriff was in possession did not deprive the marshal of his power to arrest the ship in actions in *rem;*

(III) That as the ship, at the time of her seizure by the sheriff, was encumbered with the master's maritime lien for wages the claim of the master had priority to the claim of the execution creditors;

(IV) That, except as regards 8-64ths, the execution creditors had priority over the necessaries men, who merely had rights in *rem* and were not secured creditors until they arrested the *res;*

(V) That as between the necessaries men, *inter se,* they shared *pari passu* regardless of the dates of the arrests and judgments.

Advances were made on the terms of the following document relied on as a bottomry bond:

"Sept. 30, 1919. Bond of Bottomry between A. C. Clark, master of the American schooner James W. Elwell. . . .and American Express Co. . . . .I, A. C. Clark. . . . .do hereby agree to bond and lien said schooner together with her furniture, sails, gear and future earnings to the amount of francs 20,000 for value received, said American Express Co. to have absolute lien upon vessel until said loan is repaid together with interest accrued and all other charges relating thereto. . . ." Signed, etc.

Held, as neither the voyage on which the maritime risk was to be run, nor the time when the loan was to become repayable, was stated, the bond was a valid contract of bottomry and gave the lenders no maritime lien. The James W. Elwell, (1921), p. 351; 90 L. J. (P.) 132, 355; 125 L. T. 796.

The owner of a chartered ship commits a breach of the charterparty by causing the flag of the ship to be changed during the currency of the charterparty; but whether any and what damage is thereby sustained by the charterer depends upon the circumstances of the particular case. Isaacs & Sons v. McCullum & Co., (1921) 3 K. B. 377; 90 L. J. (K. B.) 1105.

In an action arising out of a collision between an English ship and an Italian ship, both ships were held to blame and the cross-claims for damages were agreed, subject to the question raised by the owners of the Italian ship as to the rate of exchange in respect of a claim calculated in Italian lire for detention during the period that the ship was undergoing repairs:

Held, that that the proper date for ascertaining the rate of exchange for the purpose of converting the amount payable into English currency was the date at which the detention occurred. Di Ferdinando v. Simon, Smits & Co. (1920) 3 K. B. 409 followed. Manners v. Pearson (1898) 1 Ch. 581 explained and distinguished. Celia v. Volturno (1921) 2 A. C. 544; 90 L. J. (P) 385.

The defendants' steamship K outward bound from Montevideo, when approaching the whistle buoy off the entrance to the harbor, sighted on her port bow the green light of the plaintiffs' steamship H inward bound. The two vessels were on crossing courses, and therefore under art. 19 of the Sea Regulations it was the duty of the H to keep out of the way, and, under art. 21, the duty of K to keep her speed and course. When the vessels were about two miles apart H ported a little but did not blow a helm signal. The porting brought K finer on H's starboard bow and a little later K crossed the bows of H and brought the vessels port to port. When she had the whistle buoy abeam on the starboard hand K starboarded to make the outward turn in the channel leading to the sea. The two vessels came into collision.

Held, that there were no "special circumstances" (art. 27) which relieved the vessels on sighting each other from obeying the crossing rule, or which entitled K to say that in starboarding at the buoy she was in fact keeping her course round the bend in the channel. Held further, that H was to blame not only for not reversing her engines but also for not blowing her whistle when she ported, as it might have been heard by those on K and have acted as warning not to starboard; and that both vessels were to blame in equal degrees. The Karamea, (1921), P. 76; 90 L. J. (P.) 81.

A vessel must be considered as not "under command" for the purposes of art. 4 of the Regulations for Preventing Collisions at Sea if she is in such a condition owing to an accident that she can only get out of the way of another after great and unusual delay. Dictum of Lord Herschell in The P. Caland (1893) A. C. 207, 212 approved.

The question whether the hoisting of "not under command" signal is justified under art. 4 depends upon the condition of the vessel in point of fact, and not upon the belief of the officer in charge as to her condition, although that belief be formed honestly and on reasonable grounds. Dictum of Bowen L. J. in The Beryl (1884) 9 P. D. 137, 144 and of Lord Herschell in The Ceto (1889) 14 A. C. 670, 673, 674 discussed. Mendip Range v. Radcliffe, (1921) 1 A. C. 556.

The plaintiff's vessel was chartered to take a cargo of coal to Alexandria, and she loaded the cargo in the defendants' dock. The plaintiffs' intended that after discharge at Alexandria, she should proceed in ballast to Calcutta. When she entered the defendants' dock the master described her as bound for Calcutta via Alexandria, but the clearance request stated that she was bound for Alexandria, though this was afterwards altered to "Calcutta via Alexandria." The dock rate chargeable by the defendants for vessels "departing for" Alexandria was less than that for vessels sailing for ports outside Europe:

Held, that Alexandria was the destination of the vessel when she left the dock, and the plaintiffs were therefore liable to pay the lower rate only. Barry Rly Co. v. Steamship Inveric Co., 37 T. L. R. 954.

A document whereby the receipt of goods is acknowledged for shipment on board a named ship, or on some other ship of certain lines, for carriage by sea and delivery to the shipper's order, the document being signed on behalf of the master, is a bill of lading for the purposes of the Admiralty Court Act, 1861, s. 6.

Parcels of goods were accepted in New York for delivery at Sydney to the shippers' order, there being given to each shipper a document in the above mentioned form. Upon the named ship arriving at Sydney the goods were not delivered. The respondents twenty firms each being indorsees of one of the documents issued a writ in rem claiming jointly to recover damages. The writ stated that the plts. claimed as consignees or indorsees of bills of lading for non-delivery of goods agreed to be carried by the named ship, or agreed to be shipped within a reasonable time by some other vessel of the same line. On affidavits sworn separately by the plts., alleging that the goods were either lost or not shipped on any other vessel within a reasonable time, the ship was arrested. The owners of the ship took out a summons to set aside the writ and all proceedings thereunder:

Held, (1.) that the documents in question were bills of lading within s. 6 of the Admiralty Court Act, 1861; and that the proceedings being to set aside the writ and it not being denied that some of the goods were received on board the action should proceed; (2.) that, the action being in rem and the joinder of the plts. convenient, the view of the Full Bench of the Supreme Court that the plts. could properly be joined under the rules locally applicable should not be interfered with.

Judgment of the Supreme Court of New South Wales affirmed. Ship Marlborough Hill v. Alex. Cowan & Sons, Ld. (1921) A. C. 449; 90 L. J. (P. C.) 87; 124 L. T. 645; 37 T. L. R. 190.

The appellants chartered a steamer from the respondents, the owners, with a full complement of men, whose wages were to be found by the owners. The charter further provided that the charterers should at the end of the charter redeliver the vessel in good condition "unless lost," and that loss or damage by fire on board was mutually excepted. The vessel loaded cargo consisting partly of benzine or petrol for Morocco, and on arrival

the cargo was discharged by Arabs employed by the charterers or their agents. These Arabs were the servants of the charterers. Through the negligence of the Arabs in letting a board fall, a spark ignited petrol vapour in the hold, and the spark was followed by a rush of flames, which resulted in the total destruction of the ship. The causing of the spark could not reasonably have been anticipated from the fall of the board:

Held, that the damages were not too remote, that the words, "unless lost," and the exception as to damage by fire, did not refer to destruction by fire caused by the negligence of the charterers' servants, and that therefore the charterers were liable to the owners in damages. Polemis v. Furness, Withy & Co. C. A. 37, T. L. R. 940.

The plts. steamship brokers of Newcastle and Sunderland, at the request of the master of a Norwegian vessel made various disbursements on behalf of the vessel. The plts. were not aware that the vessel was under time charter until they had made the disbursements when the master told them to send the accounts to the time charterer. The plts. did so, and failing to receive payment brought an action in rem against the vessel:

Held, that the master had authority to pledge the owner's credit, and that even if the master had told the plts. that his vessel was under time charter it would not affect the owner's liability in rem unless he also told the plts. that under the terms of the charter party the expenses in respect of which the disbursements were made were payable by the charaterer and not by the owners. The Tolla (1921) P. 22; 90 L. J., (P.) 103.

Prima facie, persons who have advanced money for necessaries, on behalf of a foreign ship are entitled to sue in rem and, although it may be inferred from the course of business between the principal and agent that the liability of the principal, and that the advances must be treated as items of a mercantile account to be adjusted in accordance with the terms of the agency agreement between the parties, the mere fact that the plts. are the shipowners' regular agents does not deprive them of their rights in rem under the Admiralty Court Acts, 1840 and 1861. The test to apply in each case is whether at the date of the suit the plt. could maintain an independent action in assumpsit in the subject matter of the claim.

The Comtesse de Fregeville (1861) Lush. 329 and El Salto (1908) 25 T. L. R. 99 considered and explained. The Mogileff (1921) p. 236; 37 T. L. R. 549.

Where a shipmaster who is also part owner gives the order on which necessaries are supplied to the ship the necessaries' claimants are entitled to payment in priority to the claim of the master for his wages and disbursements. By Finnish Law the Finnish Government are apparently entitled to impose an export tax of 2½ per cent of the sale price of Finnish ships sold out of Finnish nationality. Where a Finnish ship had been seized in this country and sold by order of the Court in an action by necessaries men, it was held that the Finnish Government had no claim against the fund. The Eva 37 T. L. R. 920.

In Feb., 1920, the plts., two British and two Belgian officers and twenty-three Belgian soldiers, were in Murmansk on their way to take service with the Government of Northern Russia when a Bolshevist rising took place and the town and port of Murmansk fell into the hands of the Bolsheviks. The plts., who would have been imprisoned and probably shot if they had remained in Murmansk could have escaped by sleigh to the Norwegian frontier, but they decided to escape by sea, and, if they could, to take with them one of the vessels lying in the harbour. Accordingly they boarded the defts.' steamship L. which was still flying the mercantile flag of the Government of Northern Russia. Most of the vessels lying in the port had already hoisted the red flag in token of submission and many of them had been boarded by armed Bolsheviks. A number of the crew of the L. were on shore and there was insufficient steam in the boilers for her to proceed to sea.

The plts., who brought two machine guns with them cast off sufficient ropes to let the L. fall away from the quay, helped to raise steam, and returned the heavy fire from the quay and from other ships which had surrendered. In the course of the fighting three of the plts. were wounded. The L. was thus enabled to effect her escape from Murmansk. The plts., with some assistance from the officers and crew of the L., then navigated her as far as Tromso, where the plts. handed her over to the representatives of the owners:

Held, that although in saving the L., the plts. were also affecting their own escape, they had other means of escape, and were under no duty to save the L., and, therefore, were volunteers; that the Bolsheviks were not acting with the authority of a politically organized and recognized society and that the danger to the L. was not that of passing from the control of one form of government into the control of another, was analogous to a rescue from pirates or mutineers; that accordingly there was nothing in the comity of nations which compelled the court to treat the rescue as a rescue from lawful authority and that the plts. were entitled to salvage remuneration. The Lomonosoff (1921) P. 97; 90 L. J., (P.) 141.

3. Netherlands.

The expression "London Arbitration" inserted into a contract means that in case of dispute the same must be settled by arbitration in accordance with the custom prevailing in London and, consequently, following the law of that place. Woods Sadd Moore & Co., Ltd. v. Jansen & Co. Weekblad van het Recht 10750.

Maritime insurance policy which states "guaranteed for consumption in neutral countries, the senders and receivers are also neutrals" does not apply to the case when one of the two partners receivers is a German. The English doctrine according to which the status of a neutral must be judged rather by domicil than by nationality can not be applied here, because this doctrine was abandoned during the war. The clause: "guaranteed for consumption in neutral countries" imposes upon assured an obligation to see that the merchandise is not only shipped to a neutral country but that it also reaches there its stipulated destination. Kupsch & Abas V. N. V. Amsterdam-Deli-Brand-en-Zee Assurantie Maattschappij & ano. Veekblad van het Recht 10726.

4. United States of America.*

Seamen.

Act Dec. 26, 1920, providing that alien seaman found to be afflicted with certain diseases shall be placed in a hospital, and that the expenses shall be borne by the shipowner, etc., and not deducted from the seamen's wages, is not limited to passenger vessels. Franco v. Seas Shipping Corporation, 272 F. 542.

A seamen's contract is a contract governed by the laws of the vessel's nationality, regardless of the place where libelant shipped or reshipped.

In suit in tort for injuries to a seaman, the lex loci delicti applies.

The right of a seaman to cure and maintenance by the vessel after receiving injuries on board is a contractual right governed by the law of the vessel's nationality, so there can be no recovery for such cure and maintenance, where the ship has complied with all requirements of the law of her nationality. The Hanna Nielsen, 273 F. 171.

The provision of Rev. St. 4529 (Comp. St. 8320), which entitles seamen to a sum equal to two days' pay for each day's delay in payment of wages after discharge, beyond the time therein fixed, held not applicable to foreign vessels, which are governed as to the rights of their seamen by the laws of their respective countries, to be proved as facts in a suit in an admiralty court of the United States. The City of Norwich, 273 F. 304.

Seamen on a British vessel, wrongfully discharged in this country, held under British law, entitled to wages, transportation and maintenance. The City of Norwich, 274 F. 374.

Act of Congress, December 26, 1920, providing for payment by ship of hospital expenses of alien seamen, is not a seamen's benefit statute, but was intended to supply an omission in the existing Immigration Law (Act February 5, 1917) (Comp. Stat. 1918, Comp. Stat. Annot. Supp. 1919, No. 42891/4a et seq.), and to make certain of the provisions of that law applicable to cargo vessels as well as to passenger ships, and applies to hospital expenses of members of crew of an American vessel who are aliens.

Where aliens shipped on American vessel at New York, were taken sick on a return trip at Norfolk, Act of Congress, December 26, 1920, could not be construed to require the vessel to return the aliens to the country from whence they originally came, if a cure could not be effected within a reasonable time. Castner, Curran & Bullitt v. Hamilton, 275 F. 203.

Shipping.

Where it was the custom for a foreign government to requisition vessels for war purposes by telegraphic notification to the owner confirmed by letter, but possession was taken on the telegraphic notice, a telegram, notifying owner of a chartered vessel of its requisition in which he acquiesced, is a sufficient requisition, although the customary confirmatory letter was not sent, as against the charterer for a voyage which the requisition prevented her from making.

The performance of the charter party for a particular voyage by a designated ship is, in the absence of an express condition, impliedly conditioned on the ship remaining available for the voyage, so that the owner is excused from performance, where the vessel was requisitioned by its home government before the time for the voyage, and held by the government until long after the charter period, even though the charter contained no "restraint of princes" clause.

The fact that the charter party for a voyage by the foreign vessel was made in this country does not make the owner liable for non-performance of the charter after the vessel was requisitioned by her own government while in her home waters. Texas Co. v. Hogarth Shipping Corporation, 41 S. Ct. 612.

An order of the Interstate Commerce Commission forbidding transportation of coal for export without a special permit, made for the purpose of insuring a sufficient supply for New England, which cut down the quantity of coal for export by only one-eighth and did not prevent substantially the normal number of vessels from being loaded, does not excuse the charterer's failure to furnish the cargo, which was due rather to the unprecedented demand for export coal which caused the commission's order, and which did not prevent other shippers, who had no permit for transportation, from purchasing coal for their cargoes, at the port.

The prohibition of the export of coal by the government excuses, under the restraint of princes clause, the failure of a charterer to furnish the cargo as required by the charter, even though the charterer would have been unable to furnish the cargo in absence of such prohibition.

In order that the contingencies specified against in the charter party shall constitute a good defense to a libel for the charterers failure to furnish the cargo, the charterer's performance must have been thereby rendered in a practical sense impossible, illegal, or dangerous; it being insufficient that the happenings of one of them adds materially to the difficulties and embarrassment of the charterer.

While the restraint of the princes, which will excuse the charterer's failure to furnish a cargo within the terms of the charter party, need not have been directed against the ship or the goods, but may have had other objects, it must have been the proximate cause of the failure, as distinguished from the remote cause, and if by itself it could not have prevented performance it will not excuse non-performance merely because, in combination with non-excepted causes, it did so.

The restraint of princes clause in a charter party will not excuse the charterer's failure to furnish a cargo, where the restraint imposed was on the transportation of the cargo for the ship from the source at which the charterer had planned to obtain it, unless that source was, by the terms of the charter or in the contemplation of the parties at the time it was made, or by the well-established course of trade, the only source from which the charterer could have been expected to get the cargo. Hellenic Transport S. S. Co. v. Archibald McNeil & Sons Co., 273 F. 290.

Where the chartered ship reported herself ready to load on June 14, and the loading should have been completed under the charter by June 22, the charterer is not excused for his failure to furnish a cargo for the ship by an order of the Interstate Commerce Commission, restricting transportation of coal for export, which did not become effective until June 24, and did not then apply to coal on cars before that date.

An interlined provision in a charter party providing that it was effective, whether permit for cargo granted or not prevents the charterer from defending against liability for failure to furnish the cargo as agreed, on the ground that an order of the Interstate Commerce Commission restricting the transportation of coal to the port for export was a restraint of princes, within an exception in the charter party. Western Counties Shipping Co. v. Archibald McNeil & Sons Co., 273 F. 298.

Where an interlineation in the charter party expressly bound the charterer to load the ship at the time specified, whether it had government exporter's license or not, the charterer is liable for the damages resulting from the failure to furnish the cargo, though such failure was caused by an order of the Interstate Commerce Commission restricting the transportation of coal by rail to the port. Compagnes Navigations Sota Y Agnar v. Diamond Fuel Co., 273 F. 299.

A charterer is not excused for failure to furnish a cargo of coal as required by the charter party, by an order of the Interstate Commerce Commission giving priority to domestic shipments of coal in stated quantities, which left 70 per cent. of the coal arriving at the port of loading free for export. Canute S. S. Co. v. Diamond Fuel Co., 273 F. 301.

An informal charter made orally is a maritime contract, over which a court of admiralty has jurisdiction. American Hawaiian S. S. Co. v. Willfuehr, 274 F. 214.

Where a railroad company, which in consideration of shipments to the coast over its line, was accustomed to ascertain from steamship companies whether they could book such shipments and at what clearance and rate, and, if accepted, to send confirmation to its representatives on the coast, who exchanged confirmations with the steamship company, agreed with an exporter, who had failed to get space, "to reserve space for the transportation of, and to transport or to cause to be transported" from San Francisco to Japan, a cargo of pig iron at $15 per ton, and, finding it impossible to secure space directly, booked it through brokers at such rate, which was cheaper than the steamship companies were asking, is not liable for breach of contract on the failure of the brokers to reserve space, the agreement being one of agency, though the railroad failed to disclose to the exporter the steamship with which it had booked the freight; it never having been able to ascertain the identity thereof from the brokers, the exporter having made no objection to booking the freight through brokers, who were not shown to be irresponsible, and there being no denial of an agent's duty to his principal. Baldwin Shipping Co. v. Southern Pacific Co., 274 F. 347.

Where, in a charter party prepared by the English agents of the owner though made and to be performed in the United States, the parties have inserted a special provision which is for the benefit of the charterer, so that the contract in fact falls within an English decision, in interpreting the change that decision becomes a particularly persuasive authority. Mazza v. J. G. White Engineering Co., 274 F. 990.

An act of God is due to natural causes, without human intervention.

Charterer's inability to pass through Panama Canal on closing of canal because of the Culebra slide on canal's bank, did not excuse failure to deliver vessel to owner at required time under provision of charter excepting charterer from liability where such failure was caused by an "act of God" since the closing of the canal in such case was the result, which could have been expected, of a deliberate widening of the canal, which in its entirety was a bold and daring experiment of human activity. Held, such slide is an "accident of canals" within charter party making a charterer not liable for "accident of canals." Gans S. S. Line v. Wilhelmsen, 275 F. 254.

Oregon.

The state can provide a remedy for a tort happening within its jurisdiction and apply a lien against a foreign vessel through whose fault damages occurred, under United States Constitution art. 3, No. 2, and United States Judicial Code No. 24, as amended by Act of Congress, October 6, 1917, (U. S. Compiled Statutes 1918, U. S. Comp. St. Ann. Supp. 1919, No. 991) (3), and hence could properly enact Oregon Laws Nos. 10281, 10283-10288, 10291. Cordrey v. The Bee, 201 P. 202.

Statement of Ownership, Etc.

Of The Journal of Conational Law, published quarterly at New York, N. Y., for October 1, 1921, State of New York, County of New York, ss.

Before me, a Notary Public, in and for the State and county aforesaid, personally appeared Borris M. Komar, who, having been duly sworn according to law, deposes and says that he is the Editor of The Journal of Conational Law, and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher—The Conational Law Publishing Co., 299 Broadway, New York, N. Y.

Editor—Borris M. Komar, 2 Rector Street, New York, N. Y.

Managing Editor—None. Business Managers—None.

2. That the owners are:

Borris M. Komar, 2 Rector Street, New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (none).

(Signature of editor, publisher, business manager, or owner.)

Borris M. Komar.

Sworn to and subscribed before me this first day of October, 1921.

Benjamin Harwood, Jr.

[*Seal.*]

(My commission expires March 30, 1923.)

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The Editor would welcome original contributions from all quarters and in any language on the subjects within the scope of this publication.

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Private Rights Under the Treaties of Berlin and Versailles.

Despite the fact that the treaty of Berlin restoring friendly relations between the United States and Germany was proclaimed on November 14, 1921, three days after the exchange of ratifications, no decision was taken by the government of either country respecting the private rights affected by the late war and now subject to settlement pursuant to the provisions of the above treaties.

It is understood that negotiations are pending at present for the conclusion of a supplementary treaty establishing a Mixt Arbitral Commission for the adjudication of these private rights. The property involved represents assets or claims totalling nearly half a billion dollars, of which American claims, according to the recent announcement of the State Departament, amount to one hundred and fifty million dollars, the rest representing German property in the hands of the United States Alien Property Custodian.

It is assumed that although the supplemental treaty now pending may include several modifications it will follow in the main the provisions of the treaty of Versailles so far as applicable to the present state of German-American relations.

By Articles 1 and 2 of the treaty of Berlin, the United States ratified Section 1 of Part IV and Parts V, VI, VIII, IX, X, XI, XII, XIV and XV of the treaty of Versailles.

Private rights are dealt with in the treaty of Versailles in Part VIII, Section I and Annexes 1 and 2 thereto; Part IX, Article 252 and 253; Part X, Section III and Annex thereto, Section IV and Annex thereto, Section V and Annex thereto, Section VI and Annex thereto and Section VII with Annex. These provisions must be considered in the light of Section 4 of the treaty of Berlin and Section 5 of the Joint Resolution of the Congress approved by the President July 2, 1921.

The Versailles treaty provides triple machinery for the settlement of private claims. The Reparation Commission deals with damages caused by direct hostilities; the Clearing Office with debts and the Mixt Arbitral Tribunal has original jurisdiction over damage arising from any other cause whatsoever and appellate jurisdiction over debts. However, none of these bodies can be set up between the United States and Germany without an act of Congress, for the treaty of Berlin was ratified expressly on condition "that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorised to participate by this treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation." Another condition of the ratification was "that the rights and advantages which the United States is entitled to have and enjoy under this treaty embrace the rights and advantages of the nationals of the United States specified in the Joint Resolution or in the provisions of the treaty of Versailles to which this treaty refers". It is difficult to ascertain the precise effect of this latter condition. Taken literally it means that the Government of the United States is entitled not only to the rights and advantages reserved to it as such by the treaty, but also to the rights and advantages reserved by the treaty to American nationals, as distinct from American Govenrment.

Doubt exists as to the application of the dates fixed by the treaty of Versailles to the steps to be taken by Americans or Germans in accordance with the future supplemental treaty. By Section 5 of the treaty of Berlin it is provided "that the periods of time to which reference is made in article 440 of the treaty of Versailles shall run with respect to any act or election on the part of the United States, from the date of the coming into force of the present treaty". Article 440 states:

"A first proces-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany on the one hand, and by three of the principal Allied and Associated Powers on the other hand.

"From the date of this first proces-verbal the treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

"In all other respects the treaty will enter into force for each Power at the date of the deposit of its ratification".

It is clear that effect of Section 5 of the treaty of Berlin is that "all periods of time provided for in the Versailles treaty" will commence to run as from November 11, 1921, the date upon which the treaty of Berlin came in force. But none of these provisions in any way affects fixed dates as appearing in the treaty of Versailles and these latter must be specifically advanced in the pending supplemental treaty.

The treaty of Versailles deals with private rights under several separate heads each dealing with a certain kind of property and providing a machinery not necessarily of the same and one character for the settlement and disposition of these rights. Accordingly, we will consider its provisions under the separate main headings of "Direct war damage". "Indirect war damage", "Debts" and "German seized property" with appropriate subheadings. The references, unless otherwise indicated, will relate to the treaty of Versailles. Only such parts of sections or articles are given as relate to private rights, and are applicable to the nationals of the United States.

I. DIRECT WAR DAMAGE.

A. Reparation (Part VIII, Sec. 1 and Ann. 1).

Article 231.

The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

Article 232.

The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany (a) by such agression by land, by sea and from the air, and in general all damage as defined in Annex 1 hereto.

Annex 1.

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, or sea, or from the air, and all direct consequences thereof, and all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims by acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation internment or evacuation, of exposure at sea or of being forced to labor), wherever arising, and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims by all acts injurious to health or capacity to work, or to honor, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war. (b).

(8) Damage caused to civilians by being forced by Germany or her allies to labor without just remuneration.

(9) Damage in respect to all property wherever situated belonging to any Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the from of levies, fines or other similar exactions imposed by Germany or her allies upon the civilian population.

Article 233.

The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the Reparation Commission and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

(a) Consequently, loss and damage suffered by American civilians and their property prior to April 6, 1917 are excluded. The exclusion will cover our claims arising from the submarine warfare, such as the sinking of Lusitania, Falaba etc. comprising the major part of the war losses born by Americans.

(b) An important provision not only in the case of civilians, but also in the case of military or naval prisoners in those instances where the compensation provided in the statutes of their own countries for the injuries to health caused by war service is inadequate for that purpose.

Article 237.

The successive instalments, including the above sum, paid over by Germany in satisfaction of the above claims will be devided by the Allied and Associated Government in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each.

Article 238.

In addition to the payments mentioned above Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestrated, and also restitution of animals, objects of every nature and securities taken away, seized or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies.

Article 239.

The German Government undertakes to make forthwith the restitution contemplated by Article 238 and to make the payments and deliveries contemplated by Articles 233...

Article 241.

Germany undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

Article 242.

The provisions of this Part of the present treaty do not apply to the property, rights and interests referred to in Sections III and IV of Part X (Economic Clauses) of the present treaty, nor to the product of their liquidation, except in so far as any final balance in favor of Germany under Article 243 is concerned.

Article 243.

The following shall be reckoned as credits to Germany in respect of her reparation obligations:

(a) Any final balance in favor of Germany under... Sections III and IV of Part X (Economic Clauses) of the present treaty. In no case however shall credit be given for property restored in accordance with Article 238.

Article 1 (Berlin).

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921...

Section 5 of the Joint Resolution.

All property of the Imperial German Government, or its successor or sucessors, and of all German nationals, which was on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever..... shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government..... or (its) successor or successors shall have made suitable provision for the satisfaction of all claims against said Government, of all persons wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents... since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, American or other corporations or in consequence of hostilities or of any operation of war, or otherwise... (c) and also shall have granted to persons owing permanent allegiance to the United States of America most favored nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights....

B. Reparation Commission (Part VIII. Ann. II.).

Par. 1.

The Commission referred to in Article 233 shall be called "The Reparation Commission" and is hereafter referred to as "the Commission".

Par. 2.

Delegates to this commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and the Serb-Croat-Slovene State. Each of these Powers will appoint one delegate and also one assistant delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

On no occasion shall the delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The delegates of the United States, Great Britain, France and Italy shall have this right on all occassions.

Each Government represented on the Commis-

(c) The effect of this section seems to amount to an establishment of a lien upon German seized assets in the hands of the United States Alien Property Custodian. But it still falls short in giving to the nationals of the United States a direct right to claim reparation from Germany for damages caused by direct war acts of the German Government committed against them before April 6, 1917. In this respect the nationals of the Allies have an advantage over Americans, because in their case the commencement of hostilities by Germany and the declaration of war between Allies and Germany were contemporaneous events.

sion shall have the right to withdraw therefrom upon twelve months notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

Par. 4.

In case of the death, resignation or recall of any delegate, assistant delegate or assessor, a sucessor to him shall be nominated as soon as possible.

Par. 5.

The Commission will have the principal permanent Bureau in Paris....

Par. 8.

All proceedings of the Commission shall be private, unless on particular occasions, the Commission shall otherwise determine for special reasons.

Par. 10.

The Commission shall consider the claims and give to the German Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Germany, when it shall consider that their interests are in question.

Par. 11.

The Commission shall not be bound by any particular code or rules of law by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

Par. 12.

The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it by the present treaty.

The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part of the present treaty, and shall have authority to interpret its provisions. Subject to the provisions of the present treaty, the Commission is constituted by the several Allied and Associated Governments as an exclusive agency of said Government respectively for receiving, sellings, holding and distributing the reparation payments to be made by Germany under this Part of the present treaty. The Commission must comply with the following conditions and provisions:

(a) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of the bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

(b) In periodically estimating Germany's capacity to pay, the Commission shall examine the German system of taxation, first to the end that the sum for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

(d) In the event of bonds, obligations or other evidence of indebtendness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright not by way of pledge, to persons other than the several Governments in whose favor Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(f) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any verified debt of Germany must be accompanied by a statement of its reasons.

Par. 13.

As to voting, the Commission will observe the following rules: When a decision of the Commission is taken, the votes of all the delegates entitled to vote, or in the absence of any of them of their assistant delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors have no vote.

On the following question unanimity is necessary:

(b) Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

(e) Questions of applying in any particular case a method of mesuring damages different from that which has been previously applied in similar case;

(f) Questions of the interpretation of the provisions of this Part of the present treaty.

All other questions shall be decided by the vote of a majority. In case of any diffrence of opinion among the delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

Par. 14.

Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

Par. 13.

Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent or by bonds issued to the Commission, or under article 243. The rate of interest shall be 5 per cent, unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921.

Par. 19.

Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes of gold being fixed at a fair and just amount by the Commission itself.

Par. 20.

The Commission, in fixing or accepting payment in specified properties or rights, shall have due regard for any legal or equitable interests of the Allied or Associated Powers or of neutral Powers or of their nationals therein.

Par. 22.

Subject to the provisions of the present treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

Par. 23.

When all the amounts due from Germany and her allies under the present treaty or the decisions of the Commission have been discharged and all sums received, or their equivalents, shall have been distributed to the Powers interested, the Commission shall be dissolved.

Article 233.

This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

Article 240.

The German Government recognizes the Commission provided for by Article 233 as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present treaty.

The German Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, and further any information relative to military operations which in the judgment of the Commission may be necessary for the assessment of Germany's liability for reparation as defined in Annex I.

The German Government will accord to the members of the Commission and its authorised agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers.

Article II. Par. 4. (Berlin).

That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that treaty, and in any other Commission established under the treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commssion unless it shall elect to do so (d).

II. INDIRECT WAR DAMAGE.

A. General Provisions (Part X).

Article 303.

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied and Associated Power the period between the commencement of the state of war between that Power

(d) If this clause represents a settled policy of the State Department, it places the United States in a position of decided disadvantage. Under provisions of paragraph 12 of Annex II to Part VIII American Government constituted the Reparation Commission its exclusive agent for receiving, selling, holding and disributing the reparation payments to be made by Germany, e. g. payments due to Americans for the damage caused to them by direct war acts of German Government. Furthermore, by virtue of Articles 243 and 297 (h) any balance of German property remaining in the hands of the United States Alien Property Custodian after the payment of debts and claims due to Americans must be checked off by the Reparation Commission as against German reparation obligations. As the United States Government claims no indemnity or contribution from Germany, except only several million dollars due for the maintenance of American troops on the Rhine, the result may well be that the American Government will be obliged to deliver to the Reparation Comission a substantial sum, possibly two hundred million dollars, to be applied towards German reparation payments to the Allied Governments. And in the meantime, the United States will have not even a voice in the body that will adjudicate the claims of its nationals and deal with its money.

and Germany and the coming into force of the present treaty.

B. Property, rights and interests (Part X, Sec. IV).

Article 297.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and the provisions of the Annex hereto.

(a) The exceptional war measures or measures of transfer (defined in par. 3 of the Annex hereto) taken by Germany with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.

Annex, Par. 3.

In article 297 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the owership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government Departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expences, or the collecting of fees.

Measure of transfer are those which have affected or will affect the ownership of enemy property by transfering it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

Article 297.

(e) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs I (e) and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixt Arbitral Tribunal, or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 (e) of the Annex hereto. The payment of this compensation may be made by the Allied or the Associated State, and the amount will be debited to Germany.

(h)... the net proceeds of sales of enemy property, rights or interests wherever sitpated carried out either by virtue of war legislation, or by application of this article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through a Clearing Office established thereunder; any credit balance in favor of Germany resulting therefrom shall be dealt with as provided in article 243.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets of the nationals of Allied and Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government.

(j) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights and interests of the nationals of the Allied or Associated Powers from November 11, 1918, until three months from the coming into force of the present treaty, or, in the case of property, rights or interetst which have been subjected to exeptional measures of war, until restitution in accordance with the present treaty, shall be restored to the owners.

Annex, Par. 1.

The provisions of this paragraph do not apply to such of the above mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above mentioned measures as have been taken by Germany or the German authorities since November 11, 1918 all of which shall be void.

Annex, Par. 5.

Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a com-

(e) See same article in Vol. III, No. 4.

pany incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany for the use of trade marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under German war legislation with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for the use within German territory.

Annex, Par. 12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

Annex, Par. 11.

The expression "cash assets" includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits, collected by administrators, sequestrators or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

Annex, Par. 13.

Within one month from the coming into force of the present treaty or on demand at any time, Germany will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within German territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and assications in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guaranty of the German Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

Annex. Par. 14.

The provisions of Article 297 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III regulating only the method of payment.

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six monts of the coming into force of the present treaty notify Germany that the said provisions are not to be applied.

Article 298.

Germany undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associted Powers in accordance with the provissions of Article 297, paragraph (a):

(a) to restore and maintain, except as expressly provided in the present treaty, the property, rights and interets of the nationals of Allied and Associated Powers in the legal position obtaining in respect of the property, rights and interests of German nationals under the laws in force before the war;

(b) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measure in derogation of property rights which are not applied equally to the property, rights and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

C. Industrial property (Part X, Section VII).

Article 306.

Subject to the stipulations of the present treaty, rights of industrial, literary and artistic property, as such property is defined by the Internatoinal Conventions of Paris and Berne, as mentioned in Article 286 (f), shall be reestablished or restored, as from the coming into force of the present treaty, in the territories of the High Contracting Parties, in favor of the persons entitled to the benefit of them at the

(f) Include the International Convention of Paris, March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911 and the International Convention of Berne, September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908 and completed by additional Protocol signed at Berne on March 20, 1914. The Patent treaty of 1909 between the United States and Germany was restored by a notification to Germany under Article 289 made on May 8, 1922.

moment when the state of war commenced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognized and established in favor of those persons who would have been entitled thereto, from the coming into force of the present treaty.

Sums produced by any special measures taken by the German Government in respect of right in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated on the same way as other debts due from German nationals.

Article 307.

A minimum of one year after the coming into force of the present treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but in the case of patents and designs, subject to the imposition of such conditions as each Allied and Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such property while the rights had lapsed.

Article 308.

The rights of priority, provided by Article 4 of the International Convention for the Protection of Industrial Property of Paris, March 20, 1883, revised at Washington in 1911 or by any other convention or statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs or models, which had not expired on August 1, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favor of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present treaty.

D. Contracts (Part X, Section V).

Article 301.

As between enemies no negotiable instrument made before the war shall be deemed to have become valid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has lapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less that three months from the coming into force of the present treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

E. Judgments (Part X, Section V).

Article 302.

Judgments given by the courts of an Allied or Associated Power in all cases in which under the present treaty they are competent to decide, shall be recognised in Germany as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment in respect to any dispute which may have arisen has been given during the war by a German court against a national of an Allied or Associated State in a case in which he was not able to make his defense, the Allied and Associated nationals who have been prejudiced thereby shall be entitled to recover compensation, to be fixed by the Mixt Arbitral Tribunal.

At the instance of the national of the Allied or Associated Power the compensation above-mentioned may, upon order to that effect of the Mixt Arbitral Tribunal, be effected where it is possible by replacing the parties in the position which they occupied before the judgment was given by German court.

The above compensation may likewise be obtained before the Mixt Arbitral Tribunal by the nationals of Allied or Associated Powers who were projudiced by judical measures taken in invaded or occupied territories, if they have not been otherwise compensated.

F. Mortgages (Part IX).

Article 253.

Nothing in the foregoing provisions (ff) shall prejudice in any manner charges or mortgages lawfully effected in favor of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent States, or by German nationals, on assets in their ownership at that date.

G. Mixt Arbitral Tribunal (Part X, Sec. VI).

Article 304.

(a) Within three months from the date of the coming into force of the present treaty, a Mixt Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the Presindent of the Tribunal and two other persons either of whom may in case of need take his place, shall be chosen by M. Gustave Ador, if he is willing. These persons shall be nationals of Powers that have remained neutral during the war. In case there is a vacancy, if any Government does not proceed within a period of one month to appoint a member of the tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the Presindent.

The decision of the majority of the members of the Tribunal shall be the decision of the tribunal.

(b) The Mixt Arbitral Tribunal established pursuant to paragraph (a), shall decide all questions within its competence under Sections III, IV, V and VII of Part X.

In addition, all questions,whatsoever their nature, relating to contracts concluded before the coming into force of the present treatry between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixt Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the national courts of those Powers. Such questions shall be decided by the national courts in question, to the exclusion of the Mixt Arbitral Tribunal. The party who is a national of an Allied or Associatel Power may nevertheless bring the case before the Mixt Arbitral Tribunal if this is not prohibited by the laws of his country.

(c) If the number of cases justifies it, additional members shall be appointed and each Mixt Arbitral Tribunal shall sit in divisions. Each of these divisions shall be constituted as above.

(d) Each Mixt Arbitral Tribunal shall settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(f) The High Contracting Parties agree that their courts and authorities shall render to the Mixt Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(g) The High Contracting Parties agree to regard the decisions of the Mixt Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

Annex, Par. 2.

The tribunal may adopt such rules of procedure as will be in accordance with justice and equity and decide the order and time at which each party must conclude his arguments, and may arrange all formalities required for dealing with the evidence.

Annex, Par. 3.

The attorney and counsel of the parties on either side are permitted to present to the tribunal oral or written arguments in support of or in opposition to each case.

Annex, Par. 6.

The tribunal shall decide all question and matters submitted upon such evidence and information as may be furnished by the parties concerned.

Annex. Par. 7.

Germany agrees to give the tribunal all facilities and information required by it for the carrying out of its investigations.

Annex, Par. 8.

The language in which the proceedings shall be conducted, unless otherwise agreed, will be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

Annex, Par. 9.

The place and time for the meetings of each tribunal shall be determined by the President thereof.

III. DEBTS.

A. Pecuniary Obligations (Part X, Sec. III) (g).

Article 296.

There shall be settled through the intervention of Clearing Offices to be established by each of the High Contracting Parties within three months of the

(ff) These provisions are articles 248, 249, 250 & 251 dealing with cost of occupation troops in Germany, German war material and priorities of reparation payments inter se.

(g) Only regulates the methods of payment — see par. 14 of the Annex to article 297 supra.

notification referred to in paragraph (e) hereafter the following classes of pecuniary obligations:

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and which arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

(3) Interest which has accured due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

(4) Capital sums which have become payable before and during the war to national of one of the the Contracting Powers in respect of the securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war;

The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV and in the Annex thereto shall be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided in paragraph (d), and disposed of by them under the conditions provided by the said section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this section:

(a) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than throught the Clearing Offices:

(b) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war debtor was in a state of bankruptcy or insolvency, or had given formal notice of insolvency or where the debt was due by a company whose business had been liquidated under emergency legislation during the war.

Nevertheless, debts due by the inhabitants of territory invaded or occupied by, the enemy before the armistice will not be guaranteed by the States of which those territories form part:

(c) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor;

(d) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates as is concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, colony or protectorate, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exhange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

(e) The provissions of this article and the Annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates on the other hand, unless within a period of one month from the deposit of the ratification of the present treaty by the Power in question, notice to that effect is given to Germany by the Government of such Allied or Associated Power;

(f) The Allied and Associated Powers who have adopted this article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory insofar as regards matters between their nationals and German nationals. In this case the payments made by application of this provision shall be subject to arrangements between the Allied and Associated Clearing Offices concerned.

Annex, Par. 22.

Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum except in cases where by contract, law or custom the creditor is entitled to payment of interest at a diffrent rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commenc-

ement of hostilities (or, if the sum of money to be recovered fell due during the war from the date on which it fell due) until the sum is credited to the Clearing Office of the creditor.

B. Clearing Office (Article 296, Annex).

Par. 1.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 296, paragraph (e) establish a Clearing Office for the collection and payment of enemy debts.

Par. 2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 296 are described as "enemy debts", the persons from whom the same are due as "enemy debtors", the persons to whom they are due as "enemy creditors", the Clearing Office in the country of the creditor is called the "Creditor Clearing Office", and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office".

Par. 3.

The High Contracting Parties will subject the violations of paragraph (a) of article 296 to the same panalties as are present provided by the their legislation for trading with the enemy. They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

Par. 4.

The Government guarantee specified in paragraph (b) of article 296 shall take effect whenever for any reason a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of limitations in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or insolvency or had given formal notice of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "insolvency" refer to the application of legislation providing for such legal status. The expression "formal notice of insolvency" bears the same meaning as it has in English law.

Par. 5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to term,, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts notified to it. The Debtor Clearing Office will in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the prounds for the non-admission of debt.

Par. 6.

When a debt has been admitted in whole or in part the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

Par. 7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

Par. 8.

When the whole or part of a debt is not admitted the two Clearing Offices shall examine the matter jointly and shall endeavor to bring the parties to an agreement.

Par. 9.

The Creditor Clearing Office shall pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses and commissions.

Par. 10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the Clearing Office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt clamed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall insofar as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

Par. 11.

The balance between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

Par. 12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

Par. 13.

Except for special reasons all discussions in regard to claims shall, as far as possible, take place at the Debtor Clearing Office.

Par. 14.

In conformity with article 296, paragraph (b), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office shall, therefore, credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned shall, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

As an exception, the admitted debts owing by the persons having suffered injury from the act of war shall only be credited to the Creditor Clearing Office when the compensation due to the person concerned in respect of such injury shall have been paid.

Par. 16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixt Arbitral Tribunal. At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

Par. 17.

Recovery of sums found to be due by the Mixt Arbitral Tribunal, the Court or the Arbitration Tribunal shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

Par. 18.

Each of the governments concerned shall appoint an agent who will be responsible for the presentation to the Mixt Arbitral Tribunal of the cases conducted on behalf of its Clearing Office.

This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions shall be arrived at on documentary evidence, but it will be open to the tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to reopen and maintain a claim abandoned by the same.

Par. 19.

The Clearing Offices concerned shall lay before the Mixt Arbitral Tribunal all the information and documents in their possession, so as to enable the tribunal to decide rapidly on the cases which are brought before it.

Par. 20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit for the costs, which deposit shall be refunded only when the first judgment is modified in favor of the appellant and in proportion to the success he may attain, his apponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the tribunal may be substituted for a deposit.

A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the tribunal. This fee shall, unless the tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

Par. 22.

Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Offie in the same way as such debts.

Par. 23.

Where by decision of the Clearing Offices or the Mixt Arbitral Tribunal a claim is held not to fall within article 296, the creditor shall be at liberty to prosecute the claim before the Courts or to take such

other proceedings as may be open to him. The presentation of a claim to the Clearing Office suspends the operation of any period of limitation.

Par. 25.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex, intended to make effective in whole or in part a request of which it has received a due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting forth the amount of the claim, and he shall then be entitled to prosecute the claim before the courts or to take such proceedings as may be open to him.

(To be continued).

United States Export Bill of Lading.

The Interstate Commerce Commission adopted on March 7, 1922 final amendments to the new through export bill of lading. The new export bill of lading becomes obligatory upon all common carries accepting shipments in connection with ocean carriers, whose vessels are registered under the laws of the United States, for the transportation of property from points within the United States designated by the Commission under the provisions of section 25 of the interstate commerce to points in nonadjacent foreign countries from July 15, 1922. The contract terms and conditions of the new bill as set forth below form the subject matter of two decisions of the Commission known as 64 I. C. C. 347 and 66 I. C. C. 687.

The Commission in an announcement dated February 1, 1922 stated that "It would seem that a carrier could refuse to use a bill of lading tendered by a shipper which was of an unusual size and style, or did not correspond with terms of the lawfully published and filed bill. While this is a question to be determined by the courts, it would further appear that the terms and conditions of the appropriate bill lawfully published would govern shipments subject to the interstate commerce act, regardless of what bill was actually issued, or of a possible failure to issue a bill."

CONTRACT TERMS AND CONDITIONS.

Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading shall be without effect and this bill of lading shall be enforceable according to its original tenor. If shipment consists of cotton or cotton linters it is mutually understood and agreed that the description of the condition does not relate to insufficiency of or the torn condition of the covering, or to any damage resulting therefrom, and that no carrier shall be responsible for any damage of such nature. The vessel shall be at liberty to call at any port or ports in or out of the customary route, to tow and be towed, to transfer, transship, or lighter, to load and discharge goods at any time, to assist vessels in distres, to deviate for the purpose of saving life or property, and for docking and repairs.

This bill of landing is not to be used on traffic from a point in the United States destined to an adjacent foreign country.

PART I. — With respect to the service until delivery at the port (A) first above mentioned it is agreed that —

1. (a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay coused by the act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occuring after the expiration of the free time allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at the port of export, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occuring while the property is stopped and held in transit upon the request of the shipper, owner, or party entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes.

(c) In case of guarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations, or authorities, or for the carrier's dispatch, at nearest available point in carrier's judgment, and in any such case carrier's responsibility shall cease when the property is so discharged, or the property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to the property shall be borne by the owners of the property or be a lien thereon. The carrier shall not be liable for loss or damage occassioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities, even though the same may have been done by carrier's officers, agents, employees, or crew, nor for detention, loss or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable except in case of negligence for any mistake or inaccuracy in any information furnished by the carrier, its, agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be reguired to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

2. (a) In issuing this bill of lading this company agrees to transport only over its own line and acts only as agent with respect to the portion of the route beyond its own line.

(b) No carrier shall be liable for loss, damage, or injury not occurring on its own road or its own water line or its portion of the through route, nor after said property has been delivered to the next carrier.

3. (a) No carrier is bound to transport said property by any particular train or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and said port (A).

(b) The amount of any loss or damage, including loss or damage arising from delay for which any carrier is liable, shall be computed on the basis of the value of the property (being the bona fide invoice price, if any, to the consignee, including the freight charges, if paid) at the place and time of shipment under this bill of landing, unless a lower value has been represented in writing by the shipper or has been agreed upon or is determined by the classification or tariffs upon which the rates based, in any of which events such lower value shall be the maximum amount to govern such computation, whether or not such loss or damage occurs from negligence.

(c) Claims for loss, damage, or delay must be made in writing to the carrier at the port of export or to the carrier issuing this bill of lading within nine months after delivery of the property at said port (A), or, in case of failure to make such delivery, then within nine months after a reasonable time for such delivery has elapsed; and claims so made against said delivering or issuing carrier shall be deemed to have been made against any carrier which may be liable hereunder. Unless claims are so made the carrier shall not be liable.

(d) Any carrier or party liable on account of loss or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the

policies or contracts of insurance: **Provided**, That the carrier reimburse the claimant for the premium paid thereon.

4. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for great convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression.

5. (a) Property not removed by the exporting carrier, or the party entitled to receive it, within the free time allowed by tariffs lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at port (A) has been duly sent or given, and after placement of the property for delivery at port (A), or tender of the property for delivery upon order of the party entitled to receive it has been made, may be kept in vessel, car, depot, or place of delivery of the carrier or warehouse, subject to the tariff charge for storage and to the carrier's responsibility as warehouseman, only, or, at the option of the carrier, may be removed to and stored in a public or licensed warehouse at port (A), or other available place, at the cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.

(b) Property destined to or taken from a station, wharf, or lading at which there is no regularly appointed freight agent shall be entirely at risk of owner after unloaded from cars or vessels or until loaded into cars or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharves, or landings shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels.

6. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are indorsed hereon.

7. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

8. The owner or consignee shall pay the freight, and average, if any, and all other lawful charges accuring on said property, and, if required, shall pay the same before delivery. If, upon inspection, it is ascertained that the articles shipped are not those described in this bill of landing, the freight charges must be paid upon the articles actually shipped.

9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of Congress of the United States, approved on February 13, 1893, and entitled "An Act relating to the navigation of vessels, etc.," and other statute of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to on board the vessel, or from explosion, bursting of boilers, or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped, and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters or from latent defects in hull, machinery, or appurtenances, whether existing prior to, at the time of or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. Except in case of negligence, such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General average shall be payable according to York-Antwerp Rules, 1890, and, as to any matter not therein provided for, according to the law and usage of the port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped, and supplied, it is hereby agreed that in case of danger, damage, or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vesel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees, and or owners of the cargo shall never theless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses, or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carries with provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed on behalf of rail carriers.

10. (a) No carrier shall be liable for delay not occuring on its own line, or not the result of its negligence, nor in any respect other than as warehouseman, while the property awaits further conveyance after proper tender of delivery to the next connecting carrier has been made, and if the whole or any part of the property specified herein be prevented by any cause from going from the port of export in the vessel for which intended, the carrier hereunder then in possession is at liberty to forward said property by another vessel of the ocean carrier, or, if deemed necessary, by any other vessel, dispatching notice thereof to the shipper and consignee.

(b) It shall be the duty of the carrier by railroad to deliver such property to the vessel as a part of its undertaking as a common carrier.

PART II. — With respect to the service after delivery at the port (A) first above mentioned, and until delivery at the port (B) second above mentioned, it is agreed that —

1. (a) The vessel shall have liberty to sail with or without pilots; the ocean carrier shall have liberty to convey goods in craft and/or lighters to and from the vessel at the risk of the owners of the goods; and, in case the vessel shall put into a port of refuge, or be prevented from any cause from proceeding in the ordinary course of her voyage, to transship the goods to their destination by any other vessel, dispatching notice thereof to the consignee, if named herein (at destination named), and otherwise to the shipper. The ocean carrier shall not be liable for loss or damage occasioned by fire from any cause or wheresoever occurring; by barratry of the master or crew; by enemies, pirates, or robbers; by arrest or restrain of princes, rulers or people; riots, strikes, or stoppage of labor; by explosion, bursting of boilers, breakage of shafts, or any latent defect in hull, machinery, or appurtenances, or unseaworthiness of the vessel, whether existing at time of shipment, or at the beginning of the voyage, provided the owners have exercised due diligence to make the vessel seaworthy; by fumigation under Governmental orders; by heating, frost, decay, putrefaction, rust, sweat, change of character, drainage, leakage, breakage, vermin, or by explosion of any of the goods whether shipped with or without disclosure of their nature, or any loss or damage arising from the nature of the goods or the insufficiency of packages; nor for inland damage; nor for the obliteration, errors, insufficiency or absence of mark, numbers, address, or description; nor for risk of craft, hulk, or transshipment; nor for any loss or damage caused by the prolongation of the voyage. The ocean carrier shall not be concluded as to correctness of statesments herein of quality, quantity, gauge, contents, weight, and value.

(b) General average shall be payable according to York-Antwerp Rules 1890, and, as to any matter not therein provided for, according to the law and usage of the port of New York. If the owners shall have execised due diligence to make the vessel in all respects seaworthy and properly manned, equipped, and supplied, it is hereby agreed that in case of danger, damage, or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defect or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees, and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect

of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses, or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

2. This shipment until delivery at the port (B) second above mentined is subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of Congress of the United States, approved on the 13th day of Febuary, 1893, and entitled, "An Act relating to the navigation of vessels, etc." This shipment is subject to the provisions of Soction 4281—4286, inclusive, of the Revised Statutes of the United States.

3. (a) The value of each package shipped hereunder does not exceed two hundred and fifty dollars unless otherwise stated herein, on which basis the freight is adjusted, and the ocean carrier's liability shall in no case exceed that sum or the invoice value (including freight charges, if paid, and including duty if paid and not returnable), whichever shall be the least, unless a value in excess thereof be specially declared, and stated herein, and extra freight as may be agreed upon, paid. Any partial loss or damage for which the carrier may be liable shall be adjusted pro rata on the above basis.

(b) Claims for loss, damage or delay, must be made in writing to the carrier receiving the goods for transportation between port "A" and port "B" before the goods are removed from the custody of such carrier, unless under all the circumstances such limitation of time for making claim in unreasonable, and, in that event, such claim must be made within a reasonable time. In case of failure to make delivery of the goods, such claim must be made within a reasonable time after the goods should have been delivered. Unless claims are so made the carrier shall not be liable.

(c) The carrier shall not be entitled to the benefit of any insurance that may have been effected by the shipper upon the goods shipped thereunder.

4. Shippers shall be liable for any loss or damage to vessel or cargo, caused by inflammable, explosive, or dangerous goods, shipped without full disclosure of their nature whether such shipper be principal or agent; and such goods so shipped may be thrown overboard or destroyed at any time without compensation.

5. The carrier shall have a lien on the goods for all freights and charges and any sums that may be due under this bill of lading, and also for all fines or damages which the vessel or cargo may incur or suffer by reason of the illegal, incorrect or insufficient marking, numbering or addressing of packages or description of their contents.

6. If the vessel is prevented from reaching her destination by Quarantine, the carrier may discharge the goods into any depot or lazaretto, under suitable available protection, dispaching notice thereof to the consignee, if named herein (at destination named), and otherwise to the shipper, and such discharge shall be deemed a final delivery under this contract, and all the expenses thereby incurred or the goods shall be a lien thereon.

7. The vessel may commence discharging immediately on arrival and discharge continuosly, any custom of the port to the contrary notwithstanding, the Collector of the Port or other proper officer being hereby authorized to grant a general order for discharge immediately on arrival, and if the goods be not taken from the vessel by the consignee directly they come to hand in discharging the vessel, the master or vessel's agent to be at liberty to enter and land the goods, or put them into craft or store at the owner's risk and expense, dispatching notice thereof to the consignee, if named herein (at destination named), and otherwise to the shipper, when the goods shall be deemed delivered and vessel's responsibility ended, but the vessel and carrier to have a lien on such goods until the payment of all costs and charges so incurred.

8. If on a sale of the goods at destination for freight and charges, the proceeds fail to cover freight and charges, the ocean carrier shall be entitled to recover the difference from the shipper, owner, or consignee. Full freight is payable on damaged or unsound goods; but no freight is due on any increase in bulk or weight caused by the absorption of water during the voyage. Freight prepaid will not be returned provided the goods have been loaded on the vessel.

9. In the event of claims for short delivery when the vessel reaches her destination, the value shall be adjusted as per conditions under clause 3, less all charges saved, vessel being responsible only for such part of the goods as has been actually delivered to the vessel at the port (A) above mentioned, and vessel not liable for any loss, or damage that may have occurred before such delivery, while agreeing to present promptly to inland carriers for account of owners of goods any claims for shortage or loss or damage that may have occured before delivery of the goods at the port (A) above mentioned.

10. Goods on wharf awaiting shipment or delivery shall not be at ocean carrier's risk of loss or damage not happening through the fault or negligence of the owner, master, agent, or manager of the vessel, any custom of the port to the contrary notwithstanding.

11. This bill of lading, duly indorsed, shall be given up to the vessel's consignee in exchange for delivery order.

12. Freight payable on weight is to be paid on gross weight landed from ocean vessel, unless herein otherwise provided, or unless the carrier elects to take the freight on the bill of lading weight, but inland freight and charges paid on wheat, peas, maize, or other grain, or seed, or other bulk articles, from point of shipment to seaboard, shall be paid by consignee at destination on the weight delivered on board ocean vessel.

13. If from any cause the whole or any part of the articles specified herein do not go in the vessel for which intended, the carrier shall forward them by other vessel or vessels employed by the ocean carrier, or by other vessels.

14. The property covered by this bill of lading is subject to all conditions expressed in the regular form of port bill of lading in use by the steamship company on the date of execution of this document and on file, in accordance with the rules and regulations of the United States Shipping Board and/or the Interstate Commerce Commission, but if any of such conditions are in conflict with conditions 1-15 of part II of this bill of lading the latter conditions shall control.

15. If the goods covered by this bill of lading are consigned hereunder beyond the port (B), the transshipment to connecting carrier shall be at the risk of the owner of the goods, but at vessel's expense, and all liability of the ocean carrier hereunder terminates on delivery to connecting carrier.

PART III. — With respect to the service after delivery at the port (B) second above mentioned, and until delivery at ultimate destination if destined beyond that port, it is agreed that —

1. In case the regular vessel service to final port of delivery should for any reason be suspended or interrupted, the ocean carrier, at the option of the owner or consignee of the goods, or the holder of the bill of loding may forward the goods to the nearest available port, this to be considered a final delivery, or to store them at the port (B) second above mentioned at the risk and expense of the goods until regular service to final port of destination is opened again.

2. The property shall be subject exclusively to all the conditions of the carrier or carriers completing the transit.

3. The addressing of arrival notice to the notify party shall be exclusively the obligation of the carrier completing the transit.

AND FINALLY, in accepting this bill of lading, the shipper, owner, and consignee of the goods, and the holder of the bill of lading, agree to be bound by all its stipulations, exceptions, and conditions, whether written or printed, as fully as if they were all signed by such shipper, owner, consignee, holder.

STATEMENT OF THE OWNERSHIP, ETC.

Of The Journal of Conational Law, published quartely at New York, N. Y., for April 1, 1922, State of New York, County of New York, ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Borris M. Komar, who, having been duly sworn according to law, deposes and says that he is the editor of the Journal of Conational Law and that the following is, to the best of his knowledge and belief, a true statesment of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher — The Conational Press, 2 Rector Street.
Editor — Borris M. Komar, 2 Rector St., New York, N. Y.
Managing Editor — none. Business Managers — None.

2. That the owners are: Poline Komar, 999 Aldus Street.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities are: none.

Borris M. Komar.

Sworn to and subscribed before me this 1st day of April, 1922. (Seal.) E. H. Rosenstock.
(My commission expires March 30, 1923).

Eastern European Legal News.

RUSSO-FINNISH TRANSPORTATION CONVENTION.

By Leslie A. Davis, U. S. Consul at Helsingfors.

A new provinsional agreement contraining 77 articles was signed by a Russo-Finnish Committee on December 14 and became effective on December 25, 1921. It supersedes that of September 7, 1921 between Finnish Railway Administratin and the Russian Trade Delegation, and is to remain in force until direct passenger and freight communication has been established between the signatories unless sooner cancelled, in which event it will be effective for six months after cancellation. Following are some of the more important provisions of the agreement.

FRONTIER STATIONS.

Passengers, baggage and freight originating in Finland, destined to points in Russia, are handled by the Finnish railways as far as Rajajoki, whence they are moved by way of Valkeassaari, the forwarding station to Russia, in accordance with the regulations in force on Russian railways. Like traffic, moving from Russia to Finland, is handled by the Russian railways to Valkeassaari, whence it goes forward via Rajajoki, under the established regulations of the Finnish State railways.

PASSENGER TRAFFIC.

Passenger and baggage trains reaching the bordier are to be unloaded immediately and the rolling stock returned to the country of origin, except in cases where passengers and their baggage are carried in courier, official or mail cars for through transportation without change or reloading to ultimate destination; observance of established customs regulations are reguired, however, as well as payment of accrued transportation charges to the border, in accordance with tariffs in force. Interchange of passengers and their baggage is once in 24 hours.

FREIGHT TRAFFIC.

Bills of lading on goods shipped from Russia to Finland are addressed to Valkeassaari and on those shipped from Finland to Russia are addresed to Rajajoki. Through bills of lading are not issued. All goods are accepted for transportation subject to conditions set forth in the agreement, provided their import and export from one country to the other is allowed by the proper permits. Carload shipments are delivered to the consignee at the border station of the country from which the goods have been shipped, after compliance with customs formalities, and are then forwarded without reloading to ultimate destination. Less than carload lots, after the usual customs inspection at the border stations, are delivered to the consignee, who must make arrangements for the further transportation to ultimate destination. Payment of transportation charges must be effected in Finnish or French gold currency.

USE OF FREIGHT CARS.

For the shipment of goods into Russia the Finnish State railways will provide open and closed cars in perfect condition, of at least 9.5 tons capacity. The Finnish cars may not be hauled beyond Petrograd. The Russian railways, as far as possible, will provide open and closed freight cars, in perfect condition of 14.5 to 16 long tons capacity, in regular trains of at least 20 cars each, for shipment of goods, to Finland. Cars are to be returned by either party within 15 days. A rental of 5.79 gold francs per day is charged for each car. In case of default by either party to return the cars within said limit, a fine must be paid in addition to the above rental, the amount of which is provided in the agreement. When cars are not returned within 45 days they are considered lost; the railway owning them must then be reimbursed for their full value in gold francs, in addition to the accured rental and fines.

The Finnish Council of State has authorised the Finnish Railway Administration, in its discretion, to furnish private shippers with cars for transporting goods to Petrograd. The shippers must assume responsibility for the cars while in Russia, pay a fixed amount per day for each car, and reimburse the Railway Administration for value of cars not returned. Goods destined to points beyond Petrograd must be transferred there to Russian cars.

LOSS AND DAMAGE TO FREIGHT.

Each country is solely responsible within the scope of its laws for loss or damage to goods while there are being transported through its territory and until delivered to consignee, who is charged thereafter with the protection of his goods, as the bills of lading are issued only to the border stations.

Other regulation adopted relate to the use of locomotives, admittance of railway officials over the borders, procedure governing transfer of rolling stock, and transmission of official telegrams and correspondence. A court of arbitration is also provided to adjust differences that may arise from the accounting of the railways.

RUSSIAN DECREE ON FOREIGN TRADE.

The decree published in the Moscow Izvestia for March 15, 1922 is as follows:

1. The foreign trade of the Russian Socialist Federated Soviet Republic is a state monopoly, conducted by the Commissariat of Foreign Trade on the following principles:

EXPORT.

(a) Export. — (1) The Commisariat of Foreign Trate disposes on foreign markets of export merchandise produced by state organizations or by itself. The proceeds are added to the state foreign exchange fund.

(2) The Commissariat of Foreign Trade disposes on foreign markets on a commission basis, under contract, of merchandise turned over to it by state institutions or prepared by itself, by trusts or by cooperatives, and uses the proceeds to buy goods on foreign markets, according to orders of the above mentioned organizations.

(3) The Commissariat of Foreign Trade is given the right to permit Government institutions, trusts or cooperatives to transact business directly on the foreign markets, their contracts and agreements being subject to previous approval of the Commissariat of Foreign Trade or its representatives.

(4) The Centrosoyus (All-Russian Union of Consumers' Societies) is given the right to market its export goods by direct agreements with foreign cooperatives, in understanding with and under the control of the Commissariat of Foreign Trade and under its general direction.

IMPORT.

(b) Import. — (1) The import orders of the several People's Commissariats and Central institutions made in accordance with state plans, are executed (by the Commissariat of Foreign Trade) with practicipation of experts and specialists chosen by those institutions. These specialists are entitled to decide all technical matters.

(2) Purchases of state institutions on commission basis (see sublivision (a), paragraph 2) in more important cases are conducted with direct participation of the members of those institutions.

(3) The Commissariat of Foreign Trade is given the right to permit the above mention institutions to make their purchases on foreign markets directly, but subject to the condition that their contracts and agreements must be approved in advance by the Commissariat of Foreign Trade.

(4) The same procedure is applicable to the Centrosoyus and other All-Russian Cooperative Unions. At the same time the Centrosoyus is allowed to deal directly with foreign cooperatives; and in order to carry on such transactions it may have agencies abroad, but must work in agreement with the Commissariat of Foreign Trade and under its general control.

STOCK COMPANIES.

II. The Commissariat of Foreign Trade also organizes, subject to the approval by the Council of Labor and Defense, special stock companies — Russian, foreign or combined — for the purpose of attracting foreign capital, of preparing export goods within the country, of selling them abroad and of importing articles necessary for the reestablishment of national industries and for the domestic trade. Such companies may be organised for trading in general, or for special operations, or for trade in special articles; and these stock companies for their transactions within the country or abroad may use either the facilities of the Commissariat of Foreign Trade or establish their own offices. They may also establish and operate industrial works for production of export goods. Such stock companies may also be organized by other state institutions on condition that they receive the approval of the Council of Labor and Defense, and that they operate under the control of the Commissariat of Foreign Trade. The Commissariat of Foreign Trade is to participate in the

deliberations of the Council of Labor and Defense when the by-laws of such companies are under consideration.

CUSTOMS DUTIES.

III. Goods exported and imported are subject to customs duty.

IV. Customs duties are to be established by the Council of People's Commisariats and shall not be subject to change by virtue of concession agreements. Nevertheless, variations may be made through the conclusion of trade conventions with separate countries.

RUSSO-BALTIC AGREEMENT AT RIGA.

By H. B. Smith, U. S. Acting Commercial Attache.

The Polish Foreign Office issued the final protocol of the agreement signed at Riga on March 30, 1922 between Russia, Poland, Latvia and Estonia. It contains the following economic resolutions:

Recognizing the political and economic sovereignty of the conferring states, and considering the need of foreign credits for the economic restoration of Eastern Europe, the delegates are of opinion that the different states must be assured freedom to conclude financial and economic agreements both with individual states and with financial organizations and private groups. The delegates of the conferring states declare their readiness strictly to adhere to all commitments which they have made; they recognize the desirability of mutually guarantying the peace treaties concluded between Esthonia and Russia on February 2, 1920, between Latvia and Russia on August 11, 1920 and between Poland and Russia (including White Russia and Ukraina) on March 18, 1921. The delegates of Esthonia, Latvia and Poland declare that in the interest of the economic restoration of Eastern Europe the Soviet Govenrnment should be officially recognised.

It is desirable for the restoration of trade relations that:

(1) Citizens of the respective states travelling on business be mutually accorded visees and other facilities for the carrying on of trade with as little formality as possible;

(2) Railway facilities between the conferring states are to be improved and, in particular, direct freight service instituted between the respective states;

(3) That commercial intercourse be undertaken, based upon credit to be established either by merchandise stored abroad or by satisfactory guaranty of the banks of the respective states, and that the establishment of interstate companies be facilitated in order to care for the special economic needs of the respective states;

(4) That the central credit institutions of the respective states be advised to enter into close and direct relations with each other.

In their sincere wishes for universal peace, the delegates of the countries represented solemnly declare their decision to maintain cordial relations and to reach the solution of controverted questions by peaceful means. To this end they subscribe wholeheartedly to the principles of limitation of armament within their states. They realize that to assure peace it is necessary that the state frontiers shall be guarded exclusively by regular troops or by governmental frontier guards. To the same end they consider it indispensable to establish along the frontiers zones where the armed forces are not to be admitted, except in small and equal numbers from both neighboring states. The size of these areas, as well as the number of troops admitted, shall be governed by special agreements between the states. At the same time the delegates of the represented states declare that the massing of the hostile forces near their frontiers, as well as the raids of these forces into the territory of the neighboring state, present a menace to peace, and they recommend that each government assume the responsibility for the organization of armed bands within its territory, as well as for the invasion by such bands of the territory of the neighboring state.

FINLAND'S DIVIDEND TAX ON ALIENS.

The following law went into efect on January 1, 1922:

According to the decision of the Diet it is hereby enacted that:

1. When a foreigner, foreign association, institution or endowment is paid interest or credited with interest on money deposited on a deposit account, capital account, checking account, current account or some other account in commercial or savings bank, 8 per cent. of such interest credited to the party concerned is to be deducted as a tax to the state. The same law shall be applied to the payment of dividends by joint stock companies when such dividends are to be paid to a foreigner, foreign association, institution or endowment.

2. Such sums as the banks and the joint stock companies deduct, according to section 1, shall be paid to the treasurer's office of the province for the credit of the state within the time fixed by the State Council, such time to begin to run when any interest or dividend has been paid or credited.

3. The banks and joint stock companies concerned are held responsible for the payment of such tax; and if the tax is not paid within the specified time they must pay an additional tax as provided in the law of December 23, 1920, which requires the payment of an additional amount when state and communal taxes are paid after the expiration of the specified time.

4. Anyone who through false statements or fraud tries to defraud the state of the tax provided for in this law shall be punished according to the provisions of the criminal code, and shall, in addition, pay ten times the amount of the tax the payment of which he has tried to evade, but such fine shall not be less than 100 marks.

5. The State Council has the right for reciprocal reasons or, when other special reasons so demand, to modify such payment or to grant a total exemption therefrom.

6. If any foreigner, foreign association or institution has paid taxes provided for in the law of August 3, 1920 concerning the income and property tax, and has under the provisions of the present law paid taxes on the same income, this latter tax may be refunded, if a petition to that effect is submitted to the Ministry of Finance within a year of the payment of the latter tax.

7. The State Council shall issue detailed regulations for the application of this law and for the collection of the tax and the accounting therefor.

REGULATIONS FOR FOOD PRODUCTS IN SOUTH AFRICA.

By P. J. Stevenson, U. S. Trade Commissioner.

The following regulation for preserving and labelling food products were published in the Government Gazette for February 24, 1922:

Where preserved vegetables or other foods have been "greened" or treated with copper salts the amount present shall not exceed half a grain of metallic copper per pound weight, and the container shall bear a label stating in large, legible, printed letters that the contents have been "greened" or treated with salts of copper.

No article of food shall contain salicylic acid in proportion greater than 1 grain per pint in liquid food or 1 grain per pound in solid food, and the container shall bear a label stating in large, legible, printed leters that salicylic acid has been added to the contents.

No article of food shall contain formaldehyde, formalin or any preparation thereof.

Chicory shall not contain more than 3 per cent. of sand calculated as ash remaining undissolved after boiling in dilute hydrochloric acid.

Ground pepper, either black or white, shall contain at least 6.5 per cent. of nonvolatile ether extract and be free from extraneous matter.

The principal label of every package containing condensed, dried, pasteurized, sterilized, or other variety of milk shall include the words "condensed, dried, pasteurized, sterilized etc. milk," as the case may be, in bold faced sans serif type of at least 12 points face measurements; these words shall be the first of the principal label, and no other words shall be written on the same line. Additionally, when the substance has been manufactured from skimmed milk, the words "skimmed milk" shall be written diagonally across the principal label in a transparent red color in bold faced sans serif capital type of at least 48 points face measurement.

As from January 1, 1923 every container in which condensed milk, sweetened condensed milk, condensed skimmed or separated milk, sweetened condensed skimmed or separated milk, dried milk, or dried skimmed or separated milk, if sold by retail shall bear on the principal label directions in one of the following forms:

(a) For condensed milk, sweetened condensed milk and

dried milk: "To make milk not below the composition of standard milk add (here insert the number of parts) parts of water by volume to (here insert the number of parts) by (here insert volume or weight) of the contents of this container"; or

(b) For condensed skimmed or separated milk, sweetened condensed skimmed or separated milk and dried skimmed or separated milk: "To make skimmed or separated milk not below the composition of standard skimmed or separated milk add (here insert the number of parts) parts of water by volume to (here insert the number of parts) parts by (here insert volume or weight) of the contents of this container".

Every vessel or jar, whether open or closed, containing cream intended for sale to which boron compounds have been added shall bear a label stating in large legible, printed letters what preservative has been added and the percentage thereof.

There shall be attached to every package which contains renovated, milled, process or other similar varity of butter a statement or label in bold faced sans serif capital letters of at least 30 points face measurement, with dark ink on a light ground, the words "water blended butter".

Every package containing skim-milk cheese shall be labelled "Skim-Milk Cheese" in bold face sans serif capital letters of at least 42 points face measurement, in dark ink on a light ground. Every package containing margarine cheese or "filled" cheese shall be conspicuously marked "Margarine Cheese" on the top, bottom, and sides in printed capital letters.

Digest of New Treaties, Laws and Regulations.

(Based on U. S. Government publications, such as "Commerce Reports", etc.).

Albania.

New Customs Tariff.

A new customs tariff was enacted effective March 1, 1922.

Algeria.

Trade Agreement with Canada.

See "Canada" below.

Argentina.

Ratification of Madrid Postal Convention.

The Executive has approved the Hispano-American Postal Convention signed at Madrid on November 13, 1920 between Spain and American Republics. The domestic rate of postage on letters, post cards, printed matter, newspapers and samples is therefore in effect between Argentina and the nations which have ratified the convention. Prepayment of postage is obligatory.

Australia.

Regulation of Foreign Companies.

The recently enacted War Precautions Repeal Act 1921 by section 7 continues until December 31, 1922 the war precaution regulations in force under the act of 1920 so far as they relate to foreign corporation and to trading and financial corporations formed within the limits of the Commonwealth, except section 19 thereof. Section 8 provides that no company in which more than one third of the shares are held by aliens shall acquire any mine or interest in a mine or carry on any mining or metallurgical business. No alien shall without the consent in writing of the Treasurer acquire any share in any company incorporated in the Commonwealth.

Austria.

Commercial Agreement with Hungary.

A provisional commercial treaty with Hungary, to take place of all previous arrangements, was signed at Budapest on February 8, 1922. It is pending ratification.

By the terms of the agreement, each country is to grant to the other the most favored nation treatment in the matters of tariff duties, import permits, ships, goods and general conduct of trade. Citizens, of each contracting party shall enjoy the same privileges in commerce within their respective territories as their nationals. Transit traffic is released from all customs duties and unnecessary delays, and free importation and exportation of commercial samples is granted. For the facilitation of such traffic through rates will be established for certain routes, and freight in transit will not be descriminated against in favor of domestic traffic. In the second protocol of this treaty, both Governments have expressed a desire to establish a uniform tariff basis for international railway fraffic and to fix international tariffs in not more than two currencies. The treaty may be terminated by either party on three months' notice.

Trade Agreement with Russia.

The trade agreement with Russia concluded on December 7, 1921, has been ratified by the Russian Government. The treaty is along the same lines as the Russo-German treaty Representative delegations of each country within the other are to be empowered with certain consular authority and the general safeguarding of the interests of the citizens of their respective states. These delegations are to be located in Moscow, Harkov and Vienna. Commercial representatives are to be attached to them for the promotion of the economic relations between the two countries. The nationals of each country are granted the privilege of traveling in each other's territory, and a guarantee of the inviolability of all property carried with them, or acquired by them, will be assured by special letters of protection issued by the Governments. Public postal, telegraphic and radio communication between the two countries is to be resumed.

The provisions of article 12 are particularly important. By them the Russian Government agrees to submit itself to Austrian law in matters of business transactions concluded on Austrian soil. It also agrees in matters of liability under civil law to be subject to Austrian jurisdiction and execution. The last, however, only upon condition that the business deals in question shall have been concluded in Austria and with Austrians.

Belgium.

Emergency Tariff Extended.

The bill authorising the application of the increased import duties on German goods to merchandise originating in other countries whose currencies have depreciated more than that of Belgium became effective on April 13, 1922.

Economic Union with Luxemburg.

See 'Luxemburg" below.

Bolivia.

Foreign Loan Authorised.

A law passed in February, 1922 authorised the President to negotiate a foreign loan of not more than $15,000,000 guaranteed by national revenues. No rate of interest was specified.

Bulgaria.

New Import Tariff.

The new import tariff went into effect on April 1, 1922. Considerable increases in duties on almost all articles are provided in the new schedule.

Modification of Company Taxes.

A law madifying amendments to the law taxing foreign companies passed in October. 1921 became effective on January 26, 1922.

International Bank Authorised.

A law passed on December 28, 1921 authorises the establishment of a Bulgarian International Bank for facilitating and encouraging international trade. The law does not specify the amount of capitalization, but it provides that thirty million leva of its capital are to be apportioned to the Bulgarian National Bank and the Bulgarian Agricultural Bank, and the remainder to foreign banks and organizations.

Commercial Treaty with Spain.

By an exchange of notes on February 23, 1922 the Governments of Spain and Bulgaria negotiated a commercial treaty by which Bulgaria agreed to conceed to Spain the most favored nation treatment while Spain undertook to apply to all imports from Bulgaria the second column of her tariff. The term of the treaty is for three months and, if not denounced in the meantime, it is to continue thereafter until one month after denunciation by either Government.

Trade Convention with Netherlands.

See "Netherlands" below.

Canada.

Extension of Trade Agreement with France

By an Order in Council of February 23, 1922 the trade agreement with France of 1921 was extended to Algeria, the French colonies and possessions, the protectorate of Indo-China and the territories of Saar Basin, conditional upon reciprocity on the parth of said French dominions.

Chile.

Conversion of Currency Postponed.

A law passed by the Congress on December 30,1921 authorizes the postponement of currency conversion previously set for that day until December 31, 1924.

Stamp Tax on Oversea Merchandise.

Law No. 3854 published in Diario Official of February 20, 1922 imposes a tax on all import and export merchandise. The tax is paid by means of stamps affixed to documents authorizing the movement of the goods, and will be at the rate of 10 Chelean centavos per 100 kilos or fraction thereof, gross weight. The measure applies also to international shipments effected by parcel post. Nitrate, state railway equipment and government property are exempt. Failure to comply is punishable by a fine of ten times the amount of normal tax.

China.

Abolition of Russian Tariff Concessions.

The land frontier agreement of 1881 with Russia, which provided for a reduction of one third from the regular Chinese import and export duties, for tariff exemption areas and lists of exempted articles, was discontinued by action of Chinese Government, as of April 1, 1922. Hereafter the import and export duties on the overland trade between China and Russia will conform to the schedule of duties of the Chinese maritime customs.

Czechoslovakia.

New Temporary Customs Tariff.

By an order of December 19,1921 issued in accordance with the act of August 12, 1921, a new tariff act was put into effect on January 1, 1922.

The average tariff protection expressed in May, 1921 by the coefficient 10 was increased to coefficient 15, while in branches of industry particularly threatened the coefficient was increased to 20-25 and exceptionally to 30.

Esthonia.

Insurance Policies in Foreign Currencies.

The Ministry of Finance promulgated regulations permitting insurance companies (mutual or stock) legally registered in Esthonia to make out insurance policies in dollars, pounds sterling or Swedish crowns in the following cases:

(a) Maritime insurance (transportation of goods; transport charges; transmission of valuables to and from foreign countries; vessels).

(b) Fire insurance (factory fittings; raw material for use in industry, when their insured value exceeds 1,000,000 Esthonian marks; transit goods without limitation of value).

Railway Convention with Latvia and Poland.

According to "Robotnik" of February 25, 1922 a railway convention has been signed by Esthonia, Latvia and Poland. The agreement controls passenger and freight traffic and regulates shipments to Russia via Poland.

Trade Agreement with France.

See "France" below.

Finland.

General Export Restriction Law.

The President signed on March 23, 1922 a law authorizing the State Council to restrict or prohibit the exportation of goods, securities and means of payment for goods, and to issue such regulations for the control of trade in goods and their transportation abroad as are deemed necessary to safeguard general interests.

France.

Commercial Treaty with Esthonia.

A commercial treaty with Esthonia, was concluded in Paris on January 6, 1922, the main provisions of which are as follows:

Esthonia grants France the treatment of the most favored nation for French exports in general, and also considerable reductions on the Esthonian tariff for various French merchandise. In return, Esthonian imports into France are subjected to four differen regimes; a certain number of products will have the benefit of the minimum tariff; certain other merchandise will have a reduction from 15 to 60 per cent to offset the difference between the two tariffs; for certain merchandise, such as furs, flax, butter, etc. Esthonia will benefit by further reduced tariff rates; for all the other products, the regime of the general tariff will apply.

In addition to other agreements, the two countries agree reciprocally to lift all import restrictions. A distinction is made in the agreement between the general clauses, the force of which will be maintained regardless of future exchanges of merchandise, and those clauses which relate to the traffic of merchandise and which can be the object of modifications after a delay of one year.

Abolition of Free Customs Zones.

See "Switzerland" below.

Abolition of Silkworm Agreement.

See "Italy" below.

Germany.

Commercial Tretay with Yugoslavia.

See "Yugoslavia" below.

Capital Export Law Amended.

The law of December 24, 1920 prohibiting the export of capital has been extended to December 31, 1922 by a law published in Reichsgesetzblatt of March 31, but effective as from March 23, 1922. The provisions of the former law are revoked in this amendment as regards credit instruments carried over the frontier by travellers for their own personal use, the value of which must not, however, exceed 20,000 marks within one month, or the equivalent thereof in terms of foreign currency based on the current rate of exchange.

The allowance granted for personal requirements in the intercourse between borders is to be determined by the Financial Departments of the respective states according to the local conditions. This amount must not exceed 3000 marks per month or the equivalent thereof in terms of foreign currency based on the current exchange rate.

Decontrol of Petroleum Products.

The Reichsgesetzblatt for March 28, 1922 announced that the Government control of light oil crude benzol, benzol, toluol, benzene and related products will be removed from April 1, 1922.

Copyright Protection to Americans.

The Reichstag passed a bill on May 18, 1922 according the same copyright protection to Americans as is accorded to Germans by the United States.

The new law protects works of literature, art and photography on the same basis as is designated in the law of January 15, 1892, and is retroactive in application to the period between August 1, 1914 and July 2, 1922, although it does not apply to the rights of publication, circulation and duplication of any American product which may have been obtained by a third party previous to December 18, 1919.

Revival of Patent Convention with U. S. A.

The United States notified on May 8, 1922 the German Government of its election to renew under the provisions of article 289 of the treaty of Versailles the Patent Convention of 1909.

Commercian Treaty with Latvia.

See "Latvia" below.

Great Britain.

Liquidation of Hungarian Debts.

See "Hungary" below.

Greece.

American Exemption from Forced Loan.

The American charge d'affairs appointed commissions in Athens, Saloniki and Patras to pass upon the amounts and designation of bank notes and deposits in possession of Americans and of debts owed by Greeks to Americans and falling due within the next three months. The Greek Government will then deposit funds equivalent to the total cancelled halves of bank notes involved. Arrangements will also be made for the handling of Greek bank notes held by Americans resident in the United States.

Guinea (Spanish).

New Customs Tariff.

A new colonial tariff for the territory in the Gulf of Guinea has been issued by the Royal Order of February 28, 1922, published, as corrected, in the Gaceta de Madrid for March 15, 1922. Three scales of duty are provided, the first applying to Spanish goods, the second to goods of treaty countries and the third, the highest, to the goods from all other countries. Goods from countries entitled to the second rates of duty must be accompanied by a certificate of origin. The schedule of export duties conforms to the same plan of three scales of duty as fixed for imports. Coffee and copra are added to the goods subject to export duties.

Honduras.

Sanitation Tax Extended.

The sanitation tax, which has been collected at Amapala since August 12, 1895, was extended by Congress on April 6, 1922 to include all customhouses of Honduras. The tax will be one half centavo for each half kilo of merchandise entering the customhouses and can not be refunded in any case.

Hungary.

Liquidation of British Debts.

The Government issued a decree regarding the liquidation of debts owed by Hungarian firms to British firms, permitting Hungarian debtors to enter into direct negotiations with British creditors. They are obliged, however, to submit the proposed agreement either to the Administrator of Hungarian Property, London or to the Hungarian Cotrolling and Clearing Office, Budapest. The agreement may be carried out only with

the written consent of both offices, otherwise it is void. British debtors and Hungarian creditors can also negotiate with each other, but only for the purpose of arranging the debt, and only such settlements may be made as will be approved by the two offices. The Hungarian creditors must lay their correspondence with British debtors before the Hungarian Office. Fine and imprisonment are the penalty of contravention.

Commercial Agreement with Austria.

See "Austria" above.

India.

New Import Tariff.

A new schedule of import duties was announced and made effective at noon March 1, 1922. The new tariff is marked by a general increase in the rates of duty and by the absence of any preferential features.

Italy.

Monopoly on Lighting Devices.

According to Royal decree of February 2, 1922, the state extended its monopoly to include the manufacture, importation and sale of any lighting apparatus or parts thereof used as a substitute for matches, as well as flint stones and similar articles. Special permits may be granted on certain conditions for the manufacture of said devices, provided the entire production is for export. Private enterprises may be authorised by the Government to manufacture, import and sell these goods under specified rules. The annual tax on manufacturers is fixed at 1000 lire. A monopoly tax will be paid by manufacturers and importers in excess of import duty ranging from 0.25 to 50 lire per article in accordance with the material it is made of. The same tax applies if these devices are imported for private use. The goods may be sold only through authorised retail sellers of Government monopoly goods. All these goods must bear monopoly stamp. Goods found without this stamp will be considered as contraband and the owners penalized.

Abrogation of Silkworm Agreement.

The agreement with France concerning the importation into Italy of silkworm eggs produced in France has been recently abrogated.

Preferential Duties to Colonies.

The Gazzetta Ufficiale of December 22, 1921 contained a Royal decree, effective immediately, granting preferential treatment to the importation of certain Italian colonial products. A number of commodities are rendered dutiable at lower than the usual rates, while a considerable list of articles are to be admitted free in limited quantities, determinable annually by the Italian Government. In order to receive such special customs treatment a certificate of origin issued by the colonial authorities is required. On goods not mentioned the duty applicable will be that on merchandise enjoying "most favored nation" treatment.

Latvia.

Rules for Return of American Parcels.

From March 1, 1922 senders of parcel post packages mailed in the United States for Latvia may give directions on a paster attached to the parcel of the dispotisition to be made of those which are undeliverable. Parcels not so marked will be returned at the sender's expense, after being held for 30 days in Latvia.

New Export Tariff.

Many downward revisions were made in the export tariff effective as from February 7, 1922. The duties are expressed in gold francs but are paid in Latvian paper rubles.

Treaty of Amity with Ukraina.

According to the terms of an agreement with Ukraina signed at Moscow on August 3, 1921 and ratified by the Latvian Government on December 16 following, reciprocal relations were reestablished and each country was granted certain political and commercial privileges within the territory of the other. Pending a special commercial treaty, the contracting parties agreed to allow free passage of goods in transit through their territories, and to apply domestic freight rate on the transist, merchandise. Provision is also made for the establishment of mutual diplomatic and consular relations.

Commercial Treaty with Germany.

According to "Vossische Zeitung" of March 28, 1922 a commercial treaty with Germany was signed in Berlin on March 27. It is based on the temporary agreement of June 15, 1920, which assured most favored nation treatment to contracting parties, curbing this privilege in many ways. Germany does not grant to Latvia the special concessions required by the treaty of Versailles, but Latvia reserves all the advantages which Germany may grant to Finland, Lithuania, Esthonia and Russia. Germany is also excluded from advantages which may result to neighboring countries from a customs union with Latvia now in contemplation. Latvia agrees to lay down no special export barriers. Supplementary provisions relate chiefly to arrangements for credits granted to Latvia by private credit organizations.

Provision is made for arbitration if diffrences in opinion arise as to the application of the economic treaties. The conclusion of further conventions is contemplated for the regulation fo customs questions, shipping, air traffic, protection of industrial property, consular affairs, double taxation, etc. The treaty becomes effective upon ratification by the respective parlaments.

Railway Convention with Esthonia and Poland.

See "Esthonia" above.

Lithuania.

Adoption of Metric Measurements.

The Bureau of Weights and Measures announced that from January 1, 1922 the use of metric system of weights and measures will be required in commerce and industry in lieu of the Russian sustem hitherto used.

Luxemburg.

Economic Union with Belgium.

The treaty effecting the union was ratified on March 2, 1922 but the union became operative only on April 1, 1922.

The main provisions are as follows: Both countries are to be considered as one territory for the purpose of customs, subject to certain exceptions, particularly with regard to metallurgical products, which are to be adjusted by a joint commission. To enable Luzemburg to redeem the temporary currency issued to retire the German marks that were in circulation, Belgium agreed to float a loan for Luxemburg to the amount of 175,000,000 francs. The operation of the railways of Luxemburg will be definitely determined by a future convention.

The interests of Luxemburg will be entrusted to Belgian consuls wherever there may be no representatives of Luxemburg. Furthermore, Belgium agrees to endeavor to obtain for Luxemburg the benefits of the commercial treaties existing between her and other countries, while all future commercial treaties must be concluded by Belgium in the name of the customs union.

The execution of this convention is entrusted to a Supreme Council of five members, three of whom shall be Belgians, the Belgian Government to designate the president, who shall have the controlling voice. The convention is to continue for a period of 50 years from the date of ratification, and unless one of the contracting parties denounces it one year before its expiration, it will remain in force for a further period of 10 years.

Mexico.

Yucatan Tax on Steamship Agencies.

The State Legislature approved a law imposing a tax on agencies of steamship companies — 125 pesos a month on foreign and 50 pesos on national.

Moratorium in Yucatan.

The State Legislature passed decree No. 13 on February 24, 1922 declaring the moratorium to continue until a law providing for payments shall be passed. The law in general provides:

The moratorium applies to all money obligations contracted prior to March 28, 1921 and interest thereon.

Creditors may take all those legal steps which may be necessary to secure payment at the termination of the moratorium, but without selling or taking possession of property of debtors, unless the latter shall fail to conserve the property, in which case the judge may deliver the property to proper parties.

The moratorium does not apply to debts in favor of the Government, benevolent institutions, schools, the railways of Yucatan, the Comision Reguladora del Mercado de Henequen and the Compania de Fomento del Sureste de Mexico. Debts by reason of civil responsibility for crime, debts for accidents and sickness under the labor law and rents on city and rural property are also exempted.

Netherlands.

Trade Convention with Bulgaria.

The Ministry of Foreign Affairs announced that a preliminary commercial agreement was concluded with Bulgaria, regulating the relations between the two countries on the basis of most favored nation treatment. Either party may terminate the treaty on three months notice.

New Zealand.

New Customs Tariff.

The new tariff act was passed by the Dominion Legislature on December 13, 1921 and was published on December 23.

The general tariff rates apply to all countries except the United Kingdom and the British Dominions, which receive the benefit of the preferential rate. The intermediate rates are intended to be granted to such foreign countries as will enter into reciprocal agreements with New Zealand at a later date.

The special primage duty of 1 per cent. ad valorem will continue to be collected on all imports, with a few exceptions. The bill contains provisions against dumping and for special duties on the products of countries with depreciated currencies.

Norway.

Sugar Monopoly Abolished.

The Government announced the abolition of sugar monopoly effective on April 15, 1922.

Oceania (French).

Business Turnover Tax.

A decree of December 29, 1921 provides for a turnover tax of 3.3 per cent. on business transactions within the colony and 2.2 without it. All shipments of copra, all goods shipped to France, agricultural products sold directly by the cultivator, and profits from fishing are exempt from this tax.

Palestine.

New Companies Ordinance.

A companies ordinance was promulgated by the Government. The new law follows English company legislation as a model, but gives the Government fuller control over the issue of debentures. Provision was made for foreign corporations to register in Palestine and to enjoy rights as corporate bodies, but if they are formed primarily to do business in Palestine they have to pay fees as though they were Palestine companies. The incorporation of nonprofitmaking organizations is also provided for enabling them to hold the property in their own name and to enjoy continuous succession. Foreign companies not organized solely for Palestine business pay a registration fee of 25 Egyptian pounds.

Taxation of Insurance Companies.

The Government recently announced that all insurance companies doing business in Palestine shall deposit with the Govermnet the sum of 1000 Egyptian pounds in respect of each of the classes of insurance business in which they are engaged.

Responsibility for Railway Losses.

Effective February 1, 1922 the Government railways accept responsibility for goods lost or damaged in transit. All goods enjoying this privilege will be subject to a surtax of 5 per cent. over the regular freight or express charges.

Compensation for shipments lost or damaged will be paid on six classes of freight train merchandise at rates varying from 20 piastres per kilo for goods of class 1, to 2½ piastres per kilo for goods of class 6. On goods shipped by passenger train the rate is 18 piastres per kilo. Goods of high value, including precious metals, ivory, silk, objects of art and similar articles, will be conveyed by passenger train only. The maximum liability will be 5000 piastres for any one consignment. Animals and motor cars will be carried solely at owner's risk.

Paraguay.

New Import Bill of Lading.

A decree of January 7, 1922 provides for a new form of the bill of lading and of the general manifest to be used in connection with the shipment of goods into Paraguay. The bill of lading incorporates the consular invoice including customs declaration and entry. After July 1, 1922 no importations will be permitted unless in compliance with this decree.

Peru.

Fiscal Inspection of Banks.

A decree was promulgated on February 1, 1922 to the effect that the maintenance of the fiscal inspection service of banks, saving banks and insurance companies will be at the expencese of these institutions and to this end they will pay a monthly quota as follows: 8 banks-20 peruvian pounds each: 11 insurance companies-12 pounds each and 3 savings banks-6 pounds each. These quotas will be paid quarterly in advance and deposited in the Caja de Depositos y Consignationes to the order of the Treasury.

Poland.

Railway Convention with Esthonia and Latvia.

See "Esthonia" abowe.

Adhesion to Berne Convention.

Poland has become a party to the Berne Railway Convention.

Polish Lloyd's Agreement with Russia.

An agreement was signed between the trade representative of the Russian Government and the Polish Lloyd, whereby the latter is permitted to carry goods into Russia, to conduct transit trade in and to bring goods from Russia.

Rules for Trading with Russia.

According to the Warsaw Daily Courier for February 15, 1922, Polish exporters desiring to trade with Russia must register with the provincial authorities, from whom the representative of the exporter must receive a permit before he may enter into any dealings with the Russians. Meetings of the Russian and the Polish traders can be held only at the established points. Traveling salesmen may enter Russia after securing a permit from the Polish authorities.

Portugal.

Municipal Taxes on Export Goods.

A decree published in Diario do Governo for December 31, 1921 authorizes municipal councils to levy ad valorem taxes not exceding 3 per cent. on all products and fish produced and exported therefrom. Councils may also levy taxes on banks, commercial and industrial establishments, their branches and agencies.

Preference to National Vessels.

The main provisions of the decree of November 22, 1921 effective January 1, 1922 enacted to aid the merchant marine, are shortly as follows:

Reduction of 10 per cent on all import and of 10 or 20 per cent. on all export duties, and also of all surcharges on goods shipped in national vessels; reduction to home shipowners of 10 per cent on all taxes and port charges; preference to national vessels in the use of quays and in the facilities for clearance from port; financial aid to seamen, prizes for construction, provision for loans to shipping interests under conditions to be established; exemption from import duties on certain material and apparatus for use in the national ports; exemption of national vessels from the payment of taxes ranging from 5 to 20 per cent applied to passages on foreign vessels; requirement that foreign vessels pay all charges in British currency (at par), while national vessels pay the same charges in local currency.

Rumania.

Abrogation of All Trade Treaties.

The commercial treaties denounced by Rumania in March and April 1921 which expired one year later were those with Denmark, Greece, Italy, Netherlands, Norway, Spain, Sweden and Yugoslavia. The last treaty-that with Great Britain — terminated on April 18, 1922. The most favored nation treatment accorded France lapsed with the last treaty. The United States enjoyed most favored nation privileges by virtue of the Rumanian law of April 30, 1922 now repealed as from April 10, 1922. The treaty with Russian was suppressed in 1917. All imported goods are therefore now subject to the general raties of the import tariff of 1921.

Of the two existing treaties one with Poland was just ratified and one with Czechoslovakia expires in November, 1922. These, however, deal with border problems such as communications and frontier regulations, and not in any important sense with customs tariffs.

Russia.

Foreign Trade with Caucasus.

In June, 1921 an agreement was concluded between principal republics of the Caucasus, namely Azerbaijan, Armenia and Georgia, whereby their internal frontier customhouses were abolished and their foreign trade coordinated under the unified administration of the "Foreign Trade Union of Georgia, Azerbaijan and Armenia". This trade agreement was amended in October to provide for "distribution of imported commodities among the contracting republics in proportion to the funds, in merchantable goods and other mediums of exchange contributed by them".

The trading with Persia and Near East is carried by the unified administration direct. The headquarters of the administration are at Tiflis with bureaus at the ports Baku, Batum and Poti and at Erivan. Foreign offices are maintained in Persia (Enzeli and Tabriz) and at Constantinople. Such foreign trade as there is with western Europe and America is carried through Russian soviet institutions.

The unified administration established a free port at Batum and in November, 1921 formed a cooperative exchange at Batum with compulsory registration of all transactions, in which one side must figure as a cooperative association or a governmental institution.

Trade Agreement with Austria.

See "Austria" above.

Committtee on Business Corporations.

According to the Economic Life for February 22, 1922, a special permanent committee was organized by the Council of Commissaries and charged with the examination of all the projects relative to the organization of business corporations with participation of the State bank, private credit institu-

tions and commercial companies. The Commissary of Finance published an official announcement inviting private capitalists desirous of establishing business corporations or banks to submit their proportions to the new committee.

Abolition of Tariff Concessions in China.

See "China" above.

Methods of Trading with Poland.

See two last items under "Poland" above.

Revival of Customs Duties.

By order of the Commissariat for Foreign Affairs all foreign merchandise arriving in Russia is subject to custom duties according to the tariff of 1903 plus the increase of the tariff of 1906 in terms of gold rubles. Goods imported by the state enterprise supplied by the state are not free of duties, but the same are merely noted on the books. Duty is calculated according to the rate of exchange on the paper ruble of the day when the goods arrive. The above duty is not applied to certain foreign goods, as for example, agricultural products, peasant domestic products and goods from Esthonia, Finland, Latvia and Transcaucasian republics.

Ukrainian Treaty of Amity with Latvia.

See "Latvia" above.

Sweden.

Customs Tariff Act.

The now Customs Tariff Amendment Act was put into effect from March 27, 1922 by a royal decree of March 24. The duties on some articles have been increased as much as five times the former rates, others are but slightly advanced; certain of the luxury rates are retained, while in few instances reductions are found.

Spain.

New Banking Law.

A new banking code was recently unanimously passed by the Cortes. A provision authorizes a system of clearing houses to operate on the American and British plan. The law places the foreign banks operating in Spain in a more disadvatageous position than formerly in that it gives Spanish banks a margin of 1 per cent. in discounts.

Tax Exemption on Ships Extended.

A recent decree extended three months the exemption from import duties and registry taxes on ships for the Spanish Merchant Marine bought abroad, which had been granted for a period of six months from October 8, 1921. The exemption is applied to steel and iron ship less than 10 years old and to wooden ships less than 5 years old, which are not less than 2000 gross tons and of Lloyds highest classification. These ships can not be used for subsidized and coastwise service.

Commercial Treaty with Bulgaria.

See "Bulgaria" above.

Trade Agreement with Italy.

By virtue of a temporary agreement with Italy, Italian products are to be granted the benefit of the second column of the Spanish customs tariff and the depreciated surtax on the Italian goods is to be eliminated. This modus vivendi is subject to alteration within two months if more favorable treatment is extended to the products of any other country.

Ratification of Madrid Postal Convention.

See "Argentina" above.

Switzerland.

Abolition of Free French Zones.

The Council of States ratified on February 2, 1922 the convention with France that eliminates the free zones comprising the districts of Gex and Upper Savoy in France, thus making the French customs frontier conform to the geographical border.

Government Monopolies Removed.

By decree of March 17, 1922 the Government monopoly on the importation of sugar is removed from September 30, 1922, and of copper vitriol from July 15. These monopolies were established, respectively on February 8 and July 21, 1916.

Syria.

Parcel Post Established.

The French postal service announced that parcels to the value of 1000 francs may be sent direct by French steamers to postal offices in the following cities: Aleppo, Alexandretta, Antioch, Baaldek, Beirut, Bartun, Damar, Djuni,, Hama, Homs, Latakia, Sidon, Tripoli-in-Syria, Tyre and Zahli. These parcels may be sent cash on delivery.

Union of South Africa.

Regulations for Milk Products.

New regulations under food and drugs act applying to milk products chicory and ground pepper have been issued by the Governments of Natal, Orange Free State and Cape of Good Hope provinces dated February 7, 1922.

United States of America.

Ratification of Madrid Postal Convention.

See "Argentina" above.

War Finance Corporation Act Extended.

By an act approved by the President, June 10, 1922 sections 21, 22, 23 and 24 of the War Corporation Act as amended were extended up to and including May 31, 1923 with aproviso that applications for advances or purchases received prior to or on said date may be acted upon and approved, and the advance may be made or the notes, drafts, bills of exchange or other securities purchased at any time prior to June 30, 1923. Title 1, section 12, paragraph 2 was amended to read that "The power of the corporation to issue notes or bonds may be exercised at any time prior to January 31, 1926, but no such notes or bonds shall mature later than June 30, 1926". Paragraphs 3 and 4 of section 15 of title 1 had July 1, 1923 substituted for July 1, 1922.

Revival of Patent Convention with Germany.

See "Germany" above.

Changes in Admiralty Law.

The President approved on June 10, 1922 the following addition to clause 3 of section 24 of the Judicial Code:

"Provided, That the jurisdiction of the district courts shall not extend to cause arising out of injuries to or death of persons other than the master or members of the crew, for which compensation is provided by the workmen's compensation law of any State, District, Territory or possession of the United States".

Clause 3 of section 256 of the Judical Code was also amended to read:

"Third. Of all civil couses of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common law remedy where the common law is competent to give it to claimants for compensation for injuries to or death of persons other that the master or members of the crew of a vessel, their rights and remedies under the workmen's compensation law of any State, District, Territory or possession of the United States".

Copyright Protection in Germany.

See "Germany" above.

Yugoslavia.

Interpretation of Foreign Currency Rules.

The Ministry of Finance interpreted the new regulations governing the importation and transit of foreign currency as follows:

The importation of any foreign money in any quantity is permitted; the same is true for its transportation through the country. But when imported, its amount must be declared at the customs, where a certificate will be given for the amount declared.

The amount of foreign money stated in the certificate may be exported within an interval of one month from the day of certificate's delivery.

This regulation applies to transient persons as well as to visitors stopping there temporarily, but leaving afterwards for their own country. After the expiration of the period in which exportation is permitted the money imported may no longer be exported.

Tax Exemption for Ships.

Under a decree issued by the Council of Ministers on October 14, 1921 shipping companies whose nationality becomes Yugoslav in accordance with the Trumbic-Bertolini Agreement of September 7, 1920 are to be exempt from practically all taxes and fees. These exemptions, including fees for registration, stock issue, litigation and taxes on income and profits, are to extend for a period of 10 years.

Commercial Treaty with Germany.

The new treaty of commerce with Germany of which the most favored nation clause forms an integral part has recently been ratified by Parliament.

Recent Decisions.

I. CANADA.

TAXATION.

The effect of the definition of "net value" in S. 2 of the Succession Duty Act of British Columbia (R. S. B. C. 1911, c. 217) is not that that expression wherever used in the Act means the value of all the property of the deceased wherever situate, less his debts and incumbrances, but that it means the particular property with reference to which the expression is used in the section to be construed, less deductions mentioned.

Where, therefore, a person domiciled in the Province dies leaving property situate within and property situate

outside the Province, the succession duty payable under s. 7 of the Act is to be computed with reference only to the property within the Province. Judgment of the Supreme Court reversed. Royal Trust Co. v. British Columbia Minister of Finance, (1922) I. A. C. 87.

II. GREAT BRITAIN.

ALIEN PROPERTY.

Where a German domiciled in Germany dies entitled to a debt from an English firm due before the war, which under the provissions of the Treaty of Peace Order 1919 can be paid only through the Clearing Office, administration ad colligenda bona limited to that debt may be granted to the Controller of the Clearing Office in the principal probate registry, without motion to the Court. In re May, 38 T. L. R. 210.

A German died during the war possessed of property in England, and a grant of administration ad colligenda was made to the Public Trustee, who had collected the assets in England, paid the estate duty, and had a large surplus in his hands. The Public Trustee had notice of a German will and had been in communication with the executors and beneficiaries, who were German. He now applied for a full grant of administration alleging that the assets were subject to the charge created by the Treaty of Peace Order 1919, s. I. cl. (XVI) which had precedence over the claim under the will.

The Court made a full order in favor of the Public Trustee with the will annexed and dispensed with further notice to the executors and beneficiaries under the German will. In re Bushe, (1922) P. 30.

A natural born British woman who marries an alien enemy in time of war shall be deemed to be an alien, as from the date of her marriage, within the meaning of s. 10 of the British Nationality and Status of Aliens Act, 1914.

The Treaty of Peace between the Allied and Associated Powers and Germany was signed on June 28, 1919 but it did not come into force until Jan. 10, 1920. In November 3, 1919, M. D. a natural born British woman, married E. F., a German subject. At the date of the marriage, and on January 10, 1920 she was the registered holder of certain fully paid shares in an English limited company.

Held, that the said shares were subject to the charge imposed by s. cl. (XVI) of the Treaty of Peace Order, 1919 on the property of alien enemies. Fasbender v. Attorney-General, (1922) 1 Ch. 232.

A testator, whose domicil was English, by his will directed his trustees to invest a certain sum in the Hamburg State Loan and from the income thereof to pay a number of annuities, as and when the annuities fell in, to apply the income and the capital so set free in accumulating a trust fund. That trust fund was also invested in the Hamburg State Loan.

The annuitants, and those interested under the will in the trust fund, were German nationals.

Held, that the interest of the beneficiaries under the will were charged under the Treaty of Peace Order, 1919, as being "property, rights and interests" in the United Kingdom. Favorke v. Steinkopff, (1922) I Ch. 174.

By his will dated March 31, 1911, a testator bequeathed an annuity of 250 pounds to an Austrian national "until he shall dies or voluntarily or involuntarily allienate or encumber..... the same".

The testator died on August 22, 1914, during the war. The annuity was therefore accumulated in the hands of his legal personal representative who made the proper return to the custodian under the trading with the Enemy Amendment Act, 1914 (5 Geo. 5, c. 12) s. 3, but no vesting order was made under s. 4.

By the Treaty of Peace (Austria) Order, 1920, the annuity and its accumulations were, as from July 16, 1920, charged in favor of the Administrator of Austrian Property, to secure inter alia, payment of debts owing by Austrians to British Nationals. Held following in re Levinstein (1921) 2 Ch. 251, that the accumulations up to July 16, 1920 passed to the Admistrator of Austrian Property.

Held, also, that the charge created by the Treaty of Peace Order was not involuntary alienation or encumbrance within the meaning of the will, so that the current annuity since July 16, 1920 was not forfeited, but was payable to the Administrator of Austrian Property. In re Biedermann, Best v. Wertheim (1922) I Ch. 31.

CIVIL PROCESS.

In an action for the price of goods sold and delivered, the defentant, Krassin, applied that the service of a writ upon him should be set aside on the ground that he was the authorised representative of a foreign State and was entitled as such to immunity from civil process. By the Trade Agreement of March 16, 1921 between British Government and the Russian Socialist Federated Soviet Republic Krassin was recognized and received by the British Government only as the Soviet Government's official agent, appointed under and for the purposes of that agreement, which provided that official agents thereunder should be immune from arrest and search but did not provide for immunity from civil process:

Held on the facts that as the defendant had not been recognized by any competent authority in this country in any other capacity other than that of official agent under the agreement, his status was insufficient to carry with it the immunity accorded to accredited and recognized representatives of foreign states. Fenton Textile Association v. Krassin, C. A. 38 T. L. R. 259.

INSURANCE.

The plaintiffs were an English company, part of whose business was transacted at all material times in Russia. For the purposes of their Russian business, the plaintiffs through their London bankers, deposited in a bank at Petrograd money and Russian Treasury Bonds, and by a policy of insurance dated January 24, 1917 and a Lloyd's policy dated April 27, 1917 they took out an insurance on the Treasury Bonds and their balance at the Petrograd Bank against (inter alia) loss or damage "directly caused by fire, rioters, civil commotions, war, civil war, revolutions, rebellions, military or usurped power." The policies excepted claims for "confiscation or destruction by the Government of the country in which the property is situated." In December, 1917 the bolsheviks took possession of the Petrograd Bank, and everything in it including the insured property. In two actions claiming losses under the policies, held, that the losses were losses within the meaning of the policies, and that in the absence of any material, whether supplied by the Foreign Office or othervise, on which the Court could hold that the Russian Soviet Republic was at that time recognized as a sovereign government, the loss was a loss by "rebellions, military or usurped power" within the meaning of the policies, and the assured were entitled to recover. White, Child & Beney v. Eagle Star and British Dominions Insurance Co., Same v. Simmons, 38. T. L. R. 367.

LETTERS OF CREDIT.

The plaintiffs entered into a contract with buyers in Culcutta to manufacture and ship machinery by instalments over several months at agreed prices, but subject to a stipulation that should a cost of material or wages increase, there should be a corresponding increase in the purchase price. The buyers were also to open a "confirmed irrevocable credit" in favor of the plaintiffs with a bank in this country and to pay for each shipment as it took place. In performance of this arrangement the defendants, who were the buyers bankers in London, wrote to the plaintiffs stating that they would pay bills drawn on the buyers to the extent of 70,000 pounds the bills to be accompanied by shipping documents and to be received before April 14, 1921 "this to be considered a confirmed irrevocable credit".

The plaintiffs shipped two instalments under the contract and were paid accordingly. The buyers then found that the invoices included an increase in the purchase price on account of wages and material, and instructed the defendants only to pay so much of the next invoices as represented the original prices. Thereupon, the defendants refused to pay the bill presented on the next shipment and the plaintiffs then cancelled the contract, claiming damage from the defendants, as on a repudiation by the buyers:

Held that, the credit being irrevocable, the refusal of the defendants to take and pay for the particular bills on presentation of the proper documents constituted a repudiation of the contract as a whole, and that the plaintiffs were entitled to damage so reckoned. The basis of this form of banking facility is that the buyer is taken, as between himself and the banker, to accept the seller's invoices as correct. Any adjustment must be made by way of refund by the seller and not by way of retention by the buyer. Urquhart Lindsay & Co. v. Eastern Bank, (1922) 1 K. B. 318.

SALES.

In a contract made in England and subject to English law the word "Shipment" will have its ordinary meaning of the placing of goods on board a ship. The court will not hold that it has a customary meaning applying equally to the loading of the goods on railway waggons for transport to the port of shipment where such customary meaning is inconsistent with the terms of the contract. The Turid

(1921) P. 146 followed. Mowbray, Robinson & Co. v. Rosser, 38 T. L. R. 413.

The expression "merchantable quality" in s. 14, sub — s. 2 of the Sales of Goods Act, 1893, which provides that "where goods are bought by description from a seller who deals in goods of that description.. there is in implied condition that the goods shall be of merchantable quality", does not include the quality of being legally saleable in the market for which they are intended. The defendants, manufacturers of mineral waters sold to the plaintiffs a quantity of tonic water, under the description of "Webb's Indian Tonic", to be delivered f. o. b. London. The water, as the defendants knew, was bought for shipment to Argentina. Among the ingredients of the water there was, unknown to the plaintiffs, a certain percentage of salicylic acid. By an Argentine law the sale of any article of food or drink containing salicylic acid was prohibited, but the defendants had no knowledge of that law. On the arrival of the water in Argentina the authorities condemned it on account of salicylic acid as unfit for human consumption. In an action for breach of the contract of sale:

Held, that the fact that by reason of local law the water was unsaleable in the country in which the defendant knew that it was intended to be sold was not a breach of the implied condition that it should be of "merchantable quality". Sumner Permain & Co. v. Webb & Co. (1922) 1 K. B. 55.

TAXATION.

By r. 20 of the General Rules under the Income Tax Act., 1918 companies charged with income tax on their profits are allowed to deduct from dividends made in respect of any share, right or title thereto the income tax "appropriate thereto." That rule was medified by sub-s. 5 of s. 27 of the Finance Act 1920 to the effect that a Company so deducting the tax under r. 20 is prohibited from deducting the tax from any dividend at a rate exceeding the rate of the United Kingdom tax as reduced by any relief from that tax given to the Company under s. 27 of the Income Tax Act, 1918 in respect of any payment of Dominion income tax.

A company incorporated under the Companies Acts and carrying on business in the United Kingdom and the Colonies, claimed the right to deduct from the dividends of their preference shareholders income tax at the full rate, without granting relief from that tax corresponding with that to which the companies were entitled under s. 27 aforesaid in respect of Dominion income tax:

Held, that the provisions of sub-s. 5 of s. 27 of the Finance Act 1920 did not, notwithstanding the apparent generality of the language of that sub-section, entitle the preference shareholders to payments of their dividends without deduction of income tax therefrom at a rate exceeding the United Kingdom income tax as reduced by the relief from that tax conferred upon the companies under s. 27 of the Finance Act 1920, in respect of any payment by the company of Dominion income tax; and that, accordingly, the companies were entitled to deduct from those dividends the full rate of United Kingdom income tax. Wakefield v. Whiteaway, Laidlaw & Co. (1922) 1 Ch. 200.

II. UNITED STATES OF AMERICA.

ALIENS.

Act May 22, 1918 (Comp. St. 1918, Comp. Ct. Ann. Supp. 1919, pars. 7628e-7628h), authorizing the President, when the United States is at war to impose additional restrictions and prohibitions on the entry of aliens into the United States, was supported by the power of Congress to regulate the entry of aliens as well as by the war powers of Congress. The said act had not become inoperative, where, at the time sentence was imposed on defendant, no treaty of peace had been made, the declaration of war had not been repealed and American troops were still on German soil. Sichovsky v. U. S. 277 F. 762.

California.

In an action by an alien for possession of real estate under a lease for six years, in view of the alien Land Law, Pol. Code, par. 474 and Code Civ. Proc. pars. 1269-1273, the issue of alien age was not available to the landlord, but could be raised only by the Attorney General on behalf of the state. Suwa v. Johnsen, 203 P. 414.

Nebraska.

Where a citizen owning a farm land, not within any of the exceptions of Rev. St. 1913, par. 6276, died intestate, leaving as next of kin two nieces, citizens and three nephews, nonresident aliens residing in England, there being no treaty between the United States and the kingdom of Great Britain and Ireland affecting the question, held that the provisions of sec. 6273 preclude the three nephews from acquiring any title or interest in such lands, and that the entire estate vested in the two nieces, in view of par. 6274.

The exception in Rev. St. 1913, par. 6273, giving to the widow and heirs of aliens who have acquired lands in this state prior to March 16, 1889, the right to hold such lands by devise or descent for a limited period, and providing a method for escheating such land, has no application, where the deceased landowner was a citizen of the United States. State v. Toop, 186 N. W. 371.

Wyoming.

In the matter of descents and distribution, evidence of alienage must be clear and satisfactory, and it is immaterial where heirs resided at the time of the entering of a decree under the provisions of Comp. St. 1920, secs. 6979, 6980, or at the time of trial, as this does not show they lived in a foreign country at the death of the decedent, which is the time when the real property in the state vested in the heirs subject to the indebtedness.

While Const. art. 1, sec. 29, permitting resident aliens to inherit the same as citizens, and Comp. St. 1920, ste. 7005, providing that alienage of "discendants" shall not invalidate title to real estate by "descent", would not permit collateral nonresident aliens to take, such collaterals, living in Ireland may take, the provision of our treaty with Great Britain that on the death of any person holding real property within the territories of one country relatives in the other would not be disqualified as aliens. Bamforth v. Ihmsen, 204 P. 345.

ALIEN PROPERTY CUSTODIAN.

The fact that outstanding negotiable certificates of stock issued by a corporation, or by voting trustees representing the beneficial interest in such stock, to an alien enemy, may have been transferred to a bona fide holder not an alien enemy, held not to deprive a district court of jurisdiction, under Trading with the Enemy Act, par. 17 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, sec. 31151/2i), to require the cancellation of such certificates and the issuance of new ones to the Alien Property Custodian, leaving any bona fide transferee of the original certificates to enforce his rights under section 9 of the act; and it is immaterial that the original certificates may not be within the jurisdiction of the court or the government. Garvan v. Certain Shares, 276 F. 206.

A shipper's unliquidated and unproved claim against an alien enemy owner of a steamship for value of goods shipped, before commencement of war with a nation of which such owner was a subject, held not a "debt" within the Trading with the Enemy Act, sec. 9 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, sec. 31151/2e), as amended June 5, 1920, previding that one to whom a "debt" may be owing from an enemy whose property shall have been seized and impounded from an enemy whose property shall have been seized and impounded may recover the amount thereof from the alien property custodian, since a "debt" within such statute must be an amount which is fixed, or which may be definitely ascertained, independently of extraneous circumstances, and not a claim for an unliquidated amount. Tyler Co. v. Deutsche Dampfschifffahrts Gesselschaft, 276 F. 134.

A determination by the Alien Property Custodian that a demand against an estate is a debt owing to an alien enemy is conclusive for the purpose of a proceeding to enforce his demand for the payment of such claim to him. But such demant by the Alien Property Custodian is not a determination by him that the legacy is presently payable, but merely substitutes him to the rights of the legatee, and does not entitle him to a summary order for its payment.

A demand by the Alien Property Custodian for property, signed before, but not served until after the declaration of peace with Germany, July 2, 1921, held ineffective to vest title to the property in the Custodian. Miller v. Rouse, 276 F. 715.

Debts enforceable against the assets of an alien enemy under Trading with the Enemy Act, October 6, 1917, sec. 9, as amended by act, July 11, 1919, include all valid obligations whenever created or accrued, and are not limited to those existing when the statute was enacted.

An indebtedness arising out of the performance of an executory contract between an American citizen and a German subject who afterwards became an alien enemy, held recoverable from property in the hands of the Alien Property Custodian so far as based on perfomance before enactment of Trading with the Enemy Act, October 6, 1917 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, secs. 31151/2o-31151/2j), but not so far as based on continued performance thereafter, which was made unlawful by sec. 3, except under license from the Presindent. Spring v. Garvan, 276 F. 595.

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"Other nations may pretend to regard with apathy the progress of international jurisprudence. We cannot. This progress must carry us along, willing or unwilling. In the long run logic must get the better of technical law; and the courts, no matter how reluctantly, will have to give up precedent to conclusions made requisite by a sound reason acting on the conditions of the pertinent period." **Wharton.**

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AMENDMENT TO U. S. IMMIGRATION ACT 1921

Resolved by the Senate and the House of Represantatives of the United States of America in Congress assembled, That the operation of the Act entitled "An Act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1924.

Sec. 2. That clause (7) of subdivision (a) of section 2 of such Act of May 19, 1921, is amended to read as follows: "(7) aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central America, or adjacent Islands;"

Sec. 3. That such Act of May 19, 1921, is amended by adding at the end thereof a new section to read as follows:

Sec. 6. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States, any alien not admissable under the terms of this Act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been brought, such person or transportation company. or master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States."

This Act was approved by the President on May 11, 1922.

AMERICAN CALL FOR A NEW MARITIME CONFERENCE

The President approved on July 1, 1922 the following Joint Resolution of the Congress

Whereas the careless casting of oil refuse into the sea from oil-burning and oil-carrying steamers has become a serious menace to the maritime and the fishing industries of the United States and other countries; and

Whereas the fire hazard created by the accumulation of floating oil on the piles of piers and bulkheads into harbor waters is a growng source of alarm; and

Whereas most serious is the destruction of ocean fisheries resulting from the constant discharge into territorial waters of the waste products of the oil used for fuel on many steamers in place of coal which threatens to exterminate the food fish, oysters, clams, crabs, and lobsters, which are a vital part of our various food supplies; and

Whereas the dumping of this oil refuse is not only ruining the bathing beaches situated on the territorial waters of the various countries which during the summer attract hundreds of thousands of people to the seashore resorts, but the depreciation in value of millions of dollars of seashore property is most alarming; and

Whereas this pollution takes place on the high seas as well as within territorial waters: Now, therefor, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters.

Private Rights Under the Treaties of Berlin and Versailles

(concluded)

V. GERMAN-AMERICAN MIXT COMMISSION.

Preamble of the Agreement.

" The United States of America and Germany, being desirous of determining the amount to be paid by Germany in satisfaction of Germany's financial obligations under the treaty concluded by the two Governments on Aug. 25, 1921, which secures to the United States and its nationals rights specified under a resolution of the Congress of the United States of July 2, 1921, including rights under the Treaty of Versailles, have resolved to submit the question for decision to a mixt commission (f) and have appointed as their plenipotentiaries for the purpose of concluding the following agreement:

Article I.

The commission shall pass upon the following categories of claims, which are more particularly defined in the treaty of August 25, 1921, and in the treaty of Versailles(g):

1. Claims of American citizens, arising since July 31, 1914, in respect of damage to, or seizure of their property, rights and interests, including any company or association in which they are interested, within German territory as it existed on August 1, 1914;

2. Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to persons, or to property, rights and interests, including any company or association in which American nationals are interested, since July 31, 1914, as a consequence of the war(h);

3. Debts owing to American citizens by the German nationals(i).

Article II.

The government of the United States and the government of Germany shall each appoint one commissioner. The two governments shall, by agreement, select an umpire to decide upon any cases concerning which the Commissioners may disagree, or upon any points of difference that may arise in the course of their proceedings. Should the umpire or any of the commissioners die or retire, or be unable for any reason to discharge his functions, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

Article III.

The Commissioners shall meet at Washington within two months after the coming into force of the present agreement. They may fix the time and the place of their subsequent meetings according to convenience.

Article IV.

The Commissioners shall keep an accurate record of the questions and cases submitted and correct minutes of their proceedings. To this end each of the Governments may appoint a Secretary, and these secretaries shall act together as joint secretaries of the commission and shall be subject to its decision.

The commission may also appoint and employ any other necessary officer or officers to assist in the performance of its duties. The compensation to be paid to any such officer or officers shall be subject to the approval of the two Governments.

Article V.

Each Government shall pay its own expenses, including compensation of its own Commissioner, agent or counsel. All other expenses which by their nature are a charge on both Governments, including the honorarium of the umpire, shall be borne by the two Governments in equal moieties.

Article VI.

The two Governments may designate agents and counsel who may present oral or written arguments to the commission.

The commission shall receive and consider all written statements or documents which may be presented to it by or on behalf of the respective Governments in support of or in answer to any claim.

The decisions of the commission and those of the umpire (in case there may be any) shall be accepted as final and binding upon the two Governments.

Article VII.

The present agreement shall come into force on the date of its signature (j).

VI. GERMAN SEIZED PROPERTY.

A. General Provisions. (Part IX).

Article 252.

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present treaty is not affected by the foregoing provisions (k).

Article 1. (Berlin).

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations and advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921.

Joint Resolution, Section 5.

All property of the Imperial German Government, or its successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever.....shall be retained by the United States of America and no disposition thereof made, except as shall have been

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(f) As the Mixt Commission is not "any body, agency or commission in which the United States is authorised to participate" by the treaty of Berlin or the adopted part of the treaty of Versailles, no Act of Congress is necessary to enable the United States to be represented or participate therein.

(g) It is clear, that this section is merely declaratory of the Commission's jurisdiction and does not confer upon it any additional rights, but enables it to exercise those only that are conferred upon the American citizens, both natural and artificial, by the treaties of Berlin and Versailles. Moreover, its powers do not include the right to adjudicate upon German claims or to dispose of the German seized property. Furthermore, the Commission is merely empowered to pass upon the claims of Americans, but no provision is made for the payment of these claims when adjudicated. Is this payment to be effected by the Reparation Commission in accordance with Part VIII, Annex II, Par. 12 (see this Journal vol. 3, no. 3, p.4 and foot note (d) on p. 5)?

(h) See foot note (p) below.

(i) See this Journal vol. 3, no. 3 at pages 6, 7, and 9-13.

(j) Signed on August 10, 1922.

(k) These provisions are articles 248, 249, 250 and 251 dealing with cost of occupation troops in Germany, German war material and priorities of reparation payments inter se.

heretofore or specifically hereafter shall be provided by law——until the Imperial German Government or its successor or successors, shall have confirmed to the United States of America all fines, forfeitures, penalties and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals——and shall have waived any and all pecuniary claims against the United States of America (1).

B. Property, Rights and Interests (Part X, Sec. IV).

Article 297

(b) Subject to any contrary stipulations which may be provided for in the present treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owners shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

German nationals who acquire ipso facto the nationality of an Allied or Associated Power in accordance with the provisions of the present treaty will not be considered as German nationals within the meaning of this paragraph.

Annex, Par. 9.

Until completion of the liquidation provided for by article 297, paragraph (b), the property, rights and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

Article 297.

(c) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(d) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 (m) of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present treaty.

Annex, Par. 1.

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the the winding up of businesses or companies and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effetcively dealt with by any order, direction, descision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business or company, whether as regards its investigation, sequestraton, compulsory administration, use, requisition, supervision or winding up, the sale or management of property, rights or interests, the collection or satisfaction of debts, whatsoever, in pursuance of orders, directions, decisions or instructions of any court or of any department of the Government of any High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests is confirmed. Provided that the provisions of this paragraph shall not be held to predjudice the titles to property heretofore acquired in good faith and for value and in accordance wth the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

Annex, Par. 2.

No claim or action shall be made or brought agaist any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of such a Power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or ommission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

Article 297.

(h)——the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder(n); any credit balance in favor of Germany resulting therefrom shall be dealt with as provided in article 243.

Article 296.

The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV and in the Annex thereto shall be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided in paragraph (d), and disposed of by them under the conditions provided by the said Section and Annex.

(d) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the coun-

(1) For the remaining portion of the Resolution see this Journal vol. 3, no. 3, p. 3.

(m) For paragraph 3 of the Annex see this Journal vol. 3, no. 3, p. 6.

(n) See this subheading in this Journal vol. 3, no. 3, pp. 11-13.

try concerned, whether an Allied or Associated Power colony or protectorate at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied and Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

If a contract provides for a fixed rate of exchange governing the conversion of the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

Article 297.

(h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this article, and in genaral all cash assets of enemies, shall be deait with as follows:

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets of German nationals received by Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this article or paragraph 4 of the Annex hereto. Any property rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power and if retained the cash value thereof shall be dealt with as provided in article 243. (o)

Annex. Par. 4.

All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixt Arbitral Tribunal. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, insofar as those claims are otherewise unsatisfied (p).

Annex. Par. 10.

Germany shall, within six months from the coming into force of the present treaty, deliver to each Allied and Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Germany shall at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of German nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

C. Industrial Property (Part X, Secs. IV and VII).

Article 297, Annex, Par. 15.

The provisions of article 297 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interestc, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of article 297, paragraph (b).

Article 306.

Nevertheless, all acts done by virtue of the special measures taken during the war under the legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of German nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied and Associated Power, or by any person acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offer for sale or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or

(o) The provisions of this article insofar as they prescribe the disposition of the surplus alien property now in the hands of the United States Alien Property Custodian are in direct conflict with article I of the treaty of Berlin and section 5 of the Joint Resolution of Congress, July 2, 1921 which enacted that no disposition of any alien property shall be made, except as shall have been heretofore or specifically hereafter shall be provided by law, until such time as German Government satisfied all the claims of Americans, granted most favored nation treatment to the United States and waived against it all the pecuniary claims whatsoever on behalf of itself and its nationals.

(p) The method of utilising German seized property for the satisfaction of claims against Germany by the nationals of any of the Allied or Associated Powers prescribed in this paragraph of the Annex is incomparably inferior to that suggested by article 1 of the treaty of Berlin and the Joint Resolution of the Congress, July 2, 1921, wherein a lien is created upon the assets in the custody of the United States Alien Property Custodian "until such time as the Imperial German Government or its successor or successors shall have made suitoble provision for the satisfaction of all claims against said Government". Thus, it is for German Government itself to find ways and means of paying American claims and it may well be that Germany may discharge this obligation by confiscating or otherwise obtaining the assets of German nationals held at present by United States Alien Property Custodian. . While par. 4, of the Annex introduces into International law the principle of reprisals against private property of the nationals of a State for the acts commited by the Government of that State, thereby directly attacking principle of the inviolability of private property — a doctrine strenuously upheld heretofore by the American Goverament in matters of land warfare and always advocated for extension to sea hostilities—the Joint Resolution aveiding this dangerous reversal of our policy, yet achieves the same practical results.

Associated Powers in force at the moment of the signature of the present treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph 1 of this article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present treaty.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licenses, or by the working, or by preserving control over their exploitation or in any other way, as may be considered necessary for national defense, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary and artictic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest. In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present treaty (q).

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part or other dealing with rights of or in respect to industrial, literary or artistic property effected after August 1, 1914 or in the future, which would result in defeating the objects of the provisions of this article.

The provisions of this article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied and Associated Powers, or which may be so dealt with by virtue of article 297, paragraph (b).

Article 307.

All rights in, or in respect of such property which may have lapsed by reason of any failure to accomplich any act, fulfil any formality or any payment shall revive.....Further, where revived under this article, they shall be subject in respect of grant of licenses to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present treaty.

Article 308.

Nevertheless, such extension (r) shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present treaty was bona fide in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present treaty; and such persons shall not be amenable to any action or other process of law in respect to infringement.

D. Missions (Part XV. Annex II).

Article 438.

The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present treaty, the property which these missions or missionary societies possessed including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to insure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the mission whose property is involved.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the missions are to be conducted, will safeguard the interests of such missions. Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

E. Prizes (Parts VIII and XV).

Article 440.

Germany accepts and recognizes as valid and binding all decrees and orders concerning German ships and goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any German national.

Part VIII, Ann. III, Par. 9.

Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved, in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of Germany or of her Allies.

F. Ships (Part VIII, Annex III).

Par. 8.

Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment,loss or damage of any German ships or boats exception being made of payments due in respect of the employment of ships in conformity with the armistice Agreement of January 13, 1919 and subsequent agreements.

VII. GERMAN RIGHTS AND PROPERTY UNSEIZED.

A. Property, Rights and Interests (Parts IV and IX).

Article 258.

Germany renounces all rights accorded to her or her nationals by treaties, conventions or agreements of whatsoever kind to representation upon or partic-

(q) See footnote to article 297 (h) supra.

(r) Of six months after the coming into force of the present treaty to file application for patents or models of utility or to register trade marks, designs or models.

ipation in the control or administration of commissions, state banks, agencies or other financial or economic organizations of an international character, exercising powers of control or administration and operating in any of the Allied or Associated States, or in Austria, Hangary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

Article 260.

Without prejudice to the renunciation of any rights by Germany on behalf of herself or of her nationals in the other provisions of the present treaty, the Reparation Commission may within one year from the coming into force of the present treaty demand that the German Government become possessed of any rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary and Bulgaria, or in the possessions or dependencies of these States or in any territory formerly belonging to Germany or her Allies, to be ceded by Germany or her Allies to any Power or to be administered by a Mandatory under the present treaty, and may require that the German Government transfer within six months of the date of demand all such rights and interests the German Government may itself possess to the Reparations Commission.

Germany shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Germany on account of sums due for reparation with such sums in respect of the value of the transferred rights and interests as may be assessed, by the reparation Commission ,and the German Government shall within six months from the coming into force of the present treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce in favor of the Allied and Associated Powers on behalf of itself and its nationals, all such rights and interests which have not been so communicated.

Article 123.

The provisions of article 260 of Part IX (Financial Clauses) of the present treaty shall apply in the case of all agreements concluded with German nationals for the construction or exploitation of public works in the German oversea possessions, as well as any subconcessions or contracts resulting therefrom which may have been made to or with such nationals.

B. Ships (Part VIII, Sec. I, Annex III).

Par. 1.

Germany recognizes the right of the Allied and Associated Powers to the replacement, ton per ton (gross tonnage) and class for class of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless and despite the fact that the tonnage of German shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the German aggression, the right thus recognized will be enforced on German ships and boats under the following conditions:

The German Government on behalf of itself and so as to bind all other persons interested, cedes to the Allied and Associated Covernments the property in all the German merchant ships which are of 1,600 tons gross and upwards; in one half, reckoned in tonnage, of the ships which are between 1,00 tons and 1,600 tons gross; in one quarter, reckoned in tonnage, of the steam trawlers; and in one quarter, reckoned in tonnage, of the other fishing boats.

Par. 2.

The German Government will, within two months of the coming into force of the present treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

Par. 3.

The ships and boats mentioned in paragraph 1 include all ships and boats which:

(a) fly, or may be entitled to fly, the German merchant flag; or

(b) are owned by any German national, company or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or

(c) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company or corporation.

Par. 4.

For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the German Government will:

(a) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds, as the Commission may require;

(b) Take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

Par. 5.

Germany undertakes to restore to the Allied and Associated Powers within two months of the coming into force of the present treaty, in kind and in normal condition of upkeep, in accordance with procedure to be laid down by the Reparation Commission, any boats and other moveable appliances belonging to inland navigation which since August 1, 1914 have by any means whatever come into her possession or into the possession of her nationals, and which can be identified.

Par. 7.

Germany agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining the full title to the property in all ships which have during the war been transferred or are in process of transfer to neutral flags without the consent of the Allied and Associated Governments.

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STATEMENT OF THE OWNERSHIP, etc.

Of The Journal of Conational Law, published quarterly at New York, N. Y., for October 1, 1922, State of New York, County of New York, ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Borris M. Komar, who, having been duly sworn according to law, deposes and says that he is the editor of the Journal of Conational Law and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc. of the aforesaid publication for the date shown in the above caption required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

EXCHANGE OF AUSTRO-HUNGARIAN PRE-WAR BONDS

Circular by United States Department of State.

On August 24, 1921, the United States entered into a Treaty with Austria to establish securely friedly relations between the two nations. By Article 1 of this Treaty Austria accords to the United States rights and advantages stipulated for the benefit of the United States in the Treaty of Peace between the Allied and Associated Powers and Austria which was signed at Saint-Germain-en-Laye on September 10, 1919, but not ratified by this country. Article 203 of the Treaty of Saint-Germain provides in regard to bonds of the Austrian pre-war unsecured debt held outside of the territories of the Succession States of the former Austro-Hungarian Monarchy as follows:

"Holders of unsecured bonds of the old Austrian Government debt held outside the boundaries of the states to which territory of the former Austro-Hungarian Monarchy is transferred, or of states arising from the dismemberment of that Monarchy, including Austria, shall deliver through the agency of their respective Governments to the Reparation Commission the bonds which they hold, and in exchange therefor the Reparation Commission shall deliver to them certificates entitling them to their due proportionate share of each of the new issues of bonds corresponding to and issued in exchange for their surrendered bonds under the provisions of this Annex."

The new issue of bonds referred to in this paragraph are those provided for in paragraph 4 of the Annex to Article 203 which reads as follows:

"Each State which, under the terms of Article 203, is required to assume responsibility for a portion of the old unsecured Austrian Government debt, and which has ascertained by means of stamping the old Austrian bonds that the bonds of any particular issue of such old Austrian bonds held within its territory were smaller in amount than the amount of that issue for which, in accordance with the assessment of the Reparation Commission, it is held responsible, shall deliver to the Reparation Commission new bonds equal in amount to the difference between the amount of the issue for which it is responsible and the amount of the same issue recorded as held within its own territory. Such new bonds shall be of such denominations as the Reparation Commission may require. They shall carry the same rights as regards interest and amortization as the old bonds for which they are substituted, and in all other respects the conditions of the new bonds shall be fixed subject to the approval of the Reparation Commission."

The Reparation Commission, at its 215th meeting held on August 23, 1921, decided that the Governments, other than those of the states to which territory of the former Austro-Hungarian Monarchy, including Austria, should be requested to call in as soon as possible the bonds of the Austrian unsecured prewar debts belonging to their nationals and held outside of the territories of the Succession States at the date of the coming into force of the treaty of Saint-Germain, July 16, 1920. This descision reads in part as follows:

"Each Government should make its own arrangements for the stamping of these bonds, should take note of the nominal value of the issue and of the number of the bonds, and of any special characteristics, and of the name and address of their present holders, and should transmit lists containing these particulars to the Reparation Commission before October 1st, 1922. On receipt of these lists, the Commission would deliver to Government a comprehensive provisional certificate defintely fixing the total nominal value of the bonds of each issue held by the nationals of the Government concerned.

* * * * *

"As soon as the Commission had determined, in accordance with paragraph 2 of Article 203, the portion of the unsecured debt for which Austria and each of the Succession States would assume responsibility, and when it had received the new bonds which were to be issued, in accordance with paragraph 4 of the Annex to Article 203, by the States which had stamped a quantity of bonds smaller in amount than the amount for which they must assume responsibility, according to the figure determined by the Commission, the latter would require each Government to hand over the bonds entered on its lists, and would distribute in exchange to each of the interested Governments the portion accruing to it of each of the new issues. This portion in accordance with Article 203, should correspond to the proportion existing between the amount of the bonds presented by that Government and the total amount of the pre-war bonds presented to the Reparation Commission to be exchanged for the new bonds."

In compliance with this request the U. S. Department of State is prepared at the present time to receive pre-war unsecured bonds of the former Austrian Government held outside of the Succession States on July 16, 1920, by American citizens. Holders desiring ot submit their bonds should send them to the Department at the earliest practicable moment, accompanied by two copies of the special form properly filled out and sworn to in duplicate. The third copy of the form may be retained by the holder for his personal records.

Receipts will be given by the Department for all bonds received by it. Full information regarding them will be forwarded to the Reparation Commision and they will be held by the Department pending action by the Reparation Commission concerning them. It should be understood, however, that the Department cannot assume responsibility for the safekeeping of the bonds received, nor can the Department indicate the probable action of the Reparation Commission in regard to them.

The United States has also entered into a treaty with Hungary under the provisions of which Hungary accords to the United States rights and advantages stpulated for the benefit of the United States in the Treaty of Peace between the Allied and Associated Powers and Hungary which was signed at Trianon on June 4, 1920, but not ratified by this country. Article 186 of the Treaty of Trianon contains similar provisions regarding the bonds of the pre-war unsecured Hungarian Government debt held by American citizens outside of the boundaries of the Succession States but the Department is not informed of any action having as yet been taken in regard to such bonds by the Reparation Commission. Information concerning Hungarian pre-war bonds will be received by the Department and placed on file for future reference, but the bonds themselves should not be submitted until further notice from the Department.

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2. That the owners are: Poline Komar, 999 Aldus St., New York, N. Y.

3. That the known bondholders, mortgages, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: none. Boris M. Komar.

Sworn to and subscribed before me this 1st. day of October, 1922. (Seal.) E. H. Rosenstock.

(My commission expires March 30, 1923).

U. S. NARCOTIC DRUGS IMPORT AND EXPORT ACT, 1922

The President approved on May 26, 1922 the following Act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 and 2 of the Act entitled "An Act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended, are amended to read as follows:

"That when used in this Act —

"(a) The term 'narcotic drug' means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

"(b) The term 'United States,' when used in a geographical sense, includes the several States and Territories, and the District of Columbia;

"(c) The term 'board' means the Federal Narcotics Control Board established by section 2 of this Act; and

"(d) The term 'person' means individual, partnership, corporation, or association.

Sec. 2. (a) That there is hereby established a board to be known as the ' Federal Narcotics Control Board' and to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. Except as other wise provided in this Act or by other law, the administration of this Act is vested in the Department o the Treasury.

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction; except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only, may be imported and brought into the United States or such territory under such regulations as the board shall prescribe. All narcotic drugs

The President approved on may 26, 1922 the following:

imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

"(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than ten years.

"(d) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1) if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any character; or (2). if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 3075 and 3076 of the Revised Statutes, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections. Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes.

"(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the Act of February 5, 1917, entitled 'An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States, or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

"(f) Whenever on trial for a violation of subdivision (c) the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury.

"(g) The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under subdivision (c), if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as pro vided in subdivision (d)."

Sec. 2. That section 5 and 6 of such Act of February 9, 1909, as amended, are amended to read as follows:

"Sec. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transhipped from one vessel to another vessel within any waters of the Uni ted States for immediate exportation or for any other purpose; and except with approval of the board, no other narcotic drug may be admitted, transferred, or transhipped.

"Sec. 6. (a) That it shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial ju risdiction, any narcotic drug to any other country: Provided, That narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is hereby absolutely prohibited) may be exported to a country only which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if (1) such country has instituted and maintains, in conformity with that convention, a system, which the board deems adequate, of permits or licenses for the control of imports of such narcotic drug; (2) the narcotic drug is consigned to an authorized permittee; and (3) there is furnished to the board proof deemed adequate by it, that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

"(b) The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when re ceived, advise the board thereof.

"(c) The board shall make and publish all proper regulations to carry into effect the authority vested in it by this Act."

Sec. 3. That section 8 of such Act of February 9, 1909, as amended, is amended to read as follows:

"Sec. 8. (a) That a narcotic drug that is found upon a vessel arriving at port of the United States or territory under its control or jurisdiction and is not shown upon the vessel's manifest, or that is landed from any such vessel wi thout a permit first obtained from the collector of customs for that purpose, shall be seized, forfeited, and disposed of in the manner provided in subdivision (d) of section 2, and the master of the vessel shall be liable (1) if the narcotic drug is smoking opium, to a penalty of $25 an ounce, and (2) if any other narcotic drug, to a penalty equal to the value of the narcotic drug.

"(b) Such penalty shall constitute a lien upon the vessel which may be enforced by proceedings by libel in rem. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid, or until there is deposited with the collector of customs of the port, a bond in a penal sum double the amount of the penalty, with sureties approved by the collector, and conditioned on the payment of the penalty (or so much thereof as is not remitted by the Secretary of the Treasury) and of all costs and other expenses to the Government in proceeding for the recovery of the penalty, in case the master's application for remission of the penalty is denied in whole or in part by the Secretary of the Treasury.

"(c) The provisions of law for the mitigation and remission of penalties and forfeitures incurred for violations of the customs laws, shall apply to penalties incurred for a violation of the provisions of this section."

Sec. 4. That such Act of February 9, 1909, is amended by addding at the end thereof a new section to read as follows:

"Sec. 9. That this Act may be cited as the 'Narcotic Drugs Import and Export Act.'"

CANADIAN TARIFF AND TAX CHANGES, 1922

(Customs Memoranda No. 22 and 22A.)

The changes in the import duties and internal taxes embodied in the budget presented to the Dominion Parliament by Minister of Finance on May 23, 1922 came into operation on May 24. The duties on cigarettes, book paper and coated paper for books and magazines were increased. Hatters' materials when imported by manufacturers for the use in their factories are free of duty.

Drawbacks.

The drawback granted under item 1026 on materials used in the manufacture of gas and gasoline traction engines for farm purposes (valued at not over $1,400) has been extended to include all parts, whether finished or not, and was raised by a graded scale to a rebate of 99 per cent. Drawback of 99 per cent were also granted on hatters' plush of silk or cotton, and hatters' bindings.

Sales Taxes.

The budget also provides for an advance of 50 per cent in the sales taxes now collected. As a result, the tax on imported goods collected at the time of importation is increased to 3 per cent on goods consigned to manufacturers, wholesalers and jobbers, and to 6 per cent on goods imported by retailers and consumers. Special provision is made for lumber which on importation pays 4½ per cent with a provision that no further tax shall be payable on resale.

The list of goods exempt from the payment of sales tax, which now includes a large number of foodstuffs and raw materials, has been extended to include additional grains, various cattle and poultry, feeds and fodder, radium, missals, rope and twine fiber, fishermen's boats and articles and materials used therein, job printed matter, fertilizers and dried beet pulp.

Luxury Taxes.

In addition to the prescribed import duties and the usual sales taxes, a special or luxury tax is to be collected upon the sale of certain articles, arranged in two schedules. Schedule 1 provides ad valorem duties on the following commodities; automobiles valued at $1,200 and less—5 per cent, over $1,200—10 per cent; beverages containing not more than 2½ per cent of proof spirit—5 per cent. Schedule 2 deals exclusively with various beverages. Beverage taxes under schedule 1 came into force only on July 1.

Excise Duties.

The excise duties on alchohol, tobacco and matches were modified. The new tobacco taxes are intended to graduate the levies in accordance with the value of the products, and also to encourage the manufacture of domestic tobacco in Canada. Canadian raw leaf tobacco is free of all excise tax.

The new excise tax on matches provides for a tax of one-half of one per cent per package when put up in packages containing not more than 60 and not less than 30 matches each, and a tax of one fourth of one per cent per package when put up in packages containing less than 30 matches each.

The excise tax on sugar produced in Canada has been cut in half. The exemption from the excise tax on liquors granted to beer brewed for private use has been abolished, and measures established for the stricter control of shipments of liquor to foreign countries under bond.

Depreciated Currencies' Provision.

The budget carried the provision that the value for duty on goods imported from countries with depreciated currencies "shall not be less than the value that would be placed on similar goods produced in the United Kingdom and imported from that country, if such similar goods are produced there. If similar goods are not produced in the United Kingdom, the value for duty shall not be less than the value of similar goods imported from any European country, in which the currency is not substantially depreciated."

NEW RUSSIAN TREATIES AND LEGISLATION

RUSSO-GERMAN COMMERCIAL TREATY

The treaty was signed at Rapallo, Italy on April 16, 1922 and had been subsequently ratified by the Governments of Russia and Germany and is now in effect.

Article 1.

The two Governments agree that the settlement between Germany and the Russian Socialist Federated Soviet Republic of the questions arising from the period of the state war between Germany and Russia is to be regulated on the following basis:

(a) Germany and the R. S. F. S. R. mutually renounce compensation for their war expenditure as well as compensation for war damages, i. e., the damages which have been caused to them and their nationals in the war area by military measures, including all requisitions in enemy territory. Both parties like-wise renounce compensation for civil damages which have been caused to the national of one party under the so-called special war legislation or by forcible measures of the State authorities of the other party.

(b) The public and private legal relationships affected by the state of war, including the question of the treatment of vessels of the mercantile marine which have fallen into the hands of the other party, shall be settled on the basis of reciprocity.

(c) Germany and R. S. F. S. R. mutually renounce their claims to reimbursement of their respective expenditure on behalf of prisoners of war. The German Government likewise waives its claim to reimbursement of its expenditures in connection with the soldiers of the Red Army interned in Germany. The Russian Government, on its part renounces claim to the proceeds of the sales by Germany of the military material brought by the interned soldiers of the Red Army into Germany.

Article 2.

Germany renounces claims which have arisen through the application up to the present of the laws and measures of the R. S. F. S. R. to German nationals or to their private rights as well as to the rights of Germany and its constituent States against Russia, or from the measures otherwise adopted by the R. S. F. S. R. or its officials against German nationals or their private rights, provided that the Government of the R. S. F. S. R. does not satisfy similar claims of other States.

Article 3.

Diplomatic and consular relations between Germany and the R. S. F. S. R. will immediately be resumed. The admission of the consuls of the two parties shall be governed by a special agreement.

Article 4.

The two Governments further agree that as regards the general legal position of nationals of the one party in the territory of the other and the general regulation of mutual commercial and economic relations the principle of the most favored nation treatment shall apply. The most favored nation principle does not extend to the privileges and facilities which the R. S. F. S. R. grants to any Soviet Republic or to a State which previously formed par of the former Russian Empire.

Article 5.

The two Governments shall mutually assist, in a spirit of good-will, in supplying the economic requirements of the two countries. In the event of this question being settled in principle on an International basis, they will exchange views as above. The German Government declared itself ready to support, as far as possible, the agreements contemplated by private firms, which have recently been communicated to it, and to facilitate their execution.

RUSSO-FINNISH TELEGRAPH AGREEMENT.

By U. S. Vice-Consul, F. P. S. Glassey at Helsingfors.

Representatives of Russia and Finland signed on June 13, 1922 an agreement at Helsingfors establishing as of that date regular telegraphic communication between said countries on two distinct systems, one between Helsingfors and Moscow and the other between Viborg and Petrograd. The agreement may be terminated by either Government on the presentation of three months' notice to the other.

General Provisions.

The agreement expressly stipulates that no private or commercial telegrams may be sent in code and that all such messages must be in a recognized modern language. The Agreement also covers telegraphic communications between northern Norway and northern Russia, Finland agreeing to expedite transmittal of messages across the Petchenga district, which is Finnish territory.

Except as otherwise provided in the agreement, all telegraphic traffic shall be in accordance with the articles and regulations of the International Telegraph Convention. Limitations will be placed on the use of addresses, trade marks, exchange quotations, etc. as permitted in the regulations of section 7, paragraph 2 of the International Telegraph Convention.

Message Charges.

The terminal charges on messages between Russia and Finland will be 9 centimes per word to Finland and 30 centimes per word to Russia in full rate telegrams, but these rates may be decreased by mutual agreement between the two naticns.

The transit charges will be as follows:

1. For telegrams in Europe, 7 centimes per word to Finland and 24 centimes to Russia.
2. For telegrams filed or delivered outside of Europe, 12 centimes per word to Finland and the regular transit charge to Russia as prescribed in the regulations of the International Telegraph Convention, under Table "B".
3. On traffic between Russia and Norway the transit charge will 5 centimes per word to Finland on full rate messages, provided Norway and Russia limit their terminal charges to 11 centimes for Russia and 8 centimes for Norway.

Service messages of either telegraph administration will be handled free of charge.

Settlement of Accounts

The gold franc, which is the standard under the International Telegraph Convention, will be the unit for monthly accounts rendered by each party to the other. In case foreign currency is used its value will be calculated on the current exchange rate as compared with the gold franc.

For the present, settlement of accounts will be made by the diplomatic representatives of the two countries, either at Helsingfors or at Moscow, at the option of the party making the payment. Any expenses incurred in connection with such payments shall be borne by the party making the payment.

RUSSIAN DECREE ON FOREIGN TRADE, MARCH 3, 1922.

On the basis of the decree of the council of People's Commisaries, June 11, 1920, with regard to the organization of foreign trade and the exchange of goods in the Russian Socialist Federated Soviet Republic, the commissariat of Foreign Trade decrees as follows:

1. Governmental, public and private institutions or enterprises, as well as private persons, who desire to transact business relating to importation of goods from abroad into Russia or the exportation of goods from Russia abroad, are obliged to leave the conclusion of the transaction in the first instance to the Commissariat for Foreign Trade itself or to its provincial branches or to the institutions authorized by the Commissariat for Foreign Trade to conclude such transactions.
2. Should the Commissariat for Foreign Trade or its provincial branches forego the handling of the trainsaction, the Commissariat for Foreign Trade, as far as it appears to it desirable, grants permission for the independent conduct of the said business transaction, at the same time giving notice with its permit of the conditions under which the transaction is to be concluded.
3. Foreign firms which desire to have their goods imported into Russia are obliged to submit to the representative of the Commissariat for Foreign Trade in the given country of export or, in case there is no such representative there, to submit directly to Commissariat for Foreign Trade a list of the wares with the statement of the exact class of goods, quantity, factory marks, and the place of shipment and destination. Only after receiving a special import license from the representative of the Commissariat for Foreign Trade or from the Commissariat itself can the goods be imported.
4. Owners of the goods imported into Russia by foreign firms, according to the above described procedure, are obliged to offer these goods in the first instance to the Commissariat for Foreign Trade or to its provincial branches. In case these forego the purchase, the goods may, after the receipt of a special permit from the Commissariat for Foreign Trade or its organs and subject to the conditions prescribed by them, be offered to public or private institutions or enterprises or to private persons.
5. Foreign firms, wishing to purchase export goods and ship them out of Russia are obliged to lay before the Commissariat for Foreign Trade or its provincial branches lists of the goods, with a statement of the precise character and quantity and an indication of the country import. Only after receiving special permission and subject to the fulfillment of conditions fixed by the Commissariat are they entitled to buy export goods in Russia.
6. The procedure as prescribed by this decree, in accordance with which business transactions with regard to the importation of foreign goods into Russia and the exportation of Russian goods abroad are to be conducted, will be determined by special notices and instructions to be published by the Commissariat for Foreign Trade. Import and export transactions of every sort which, by whatever persons, are concluded in violation of this decree, are to be treated as void, and those guilty will be subjected to responsibility before the courts.

PRIVATE RIGHTS DECREE OF RUSSIA, MAY 22, 1922.

The Central Executive Committe passed unanimously on May 22, 1922 a decree "concerning the right of private property which is acknowledged by the Soviet Republic and defended by the courts thereof".

The rights cover: (a) Property in buildings that are in towns and rural districts which are not municipalized by local soviets prior to the date of the decree; (b) Property rights, by agreement with local soviets, in lands and buildings managed by local authorities for periods not exceeding 49 years; (c) Private property in moveable goods, including stocks, machinery etc., works, mills, factories and concerns engaged in trade and industry, which might be in possession of private persons; (d) Right to mortgage, pledge, hypothecate or rent such property, besides outright disposal of same; (e) rights to inventions, copyrights, trade marks, industrial models and designs; (f) Rights of inheritance by will, by lawful spouses and direct line descendants within limits of total bequests of 10,000 gold rubles, exceptions from this limitation to be allowed in special cases.

Note No. 1, Appended to articles outlining artificial persons, states: "Foreign corporations, etc., may obtain the rights of legal persons in the Soviet Federation upon permission by proper officials confirmed by the Council of People's Commissaries".

Note No. 2, states: "Foreign artificial persons who do not have permission to conduct business in the Federation will have the right of legal protection for claims originating without Russia and relating to claims upon residents of Russia, but not otherwise than on terms of reciprocity".

The law further provides that all disputes regarding civil rights shall be settled by court proceedings. On the basis of this decree the Executive Committee has charged its presiding officers and the Council of People's Commissaries to draft corresponding laws and also to present at the next session of the Committee a draft of a new civil code.

In conclusion the decree states: "This decree is not retroactive and does not give to former owners, whose property had been expropriated on the basis of revolutionary law up to the time of the issuance of this decree, the right to demand the return of their property".

Taxation Law Notes

INCOME TAX LAW OF JAMAICA.
By Vise-Consul William W. Heard.

Section 6 was recently added to "A Law Further to Amend the Income Tax Laws" of 1922. The text of this section is as follows:

Sec. 6. Subsection 2 of section 35 of the principal law is hereby repealed, and there shall be substituted for it the following subsection:

(2) A person not resident in this island, whether British subject or not, shall be assessable and chargeable in the name of his trustee, guardian, or committee, or any attorney, agent, receiver, branch. or manager, whether such attorney, agent. receiver. branch, or manager has the receipt of the profits or gains or not, in like manner and to the like amount as such nonresident in this island and in the actual receipt of such profits or gains.

A nonresident person shall be assessable and chargeable in respect of any profits or gains arising, whether directly or inderectly, through or from any attorneyship, agency, receivership, branch or management, and shall be so assessable and chargeable in the name of the attorney, agent, receiver, branch or manager.

Assessment of Nonresidents.

Where a nonresident person, not being a British subject or a British Indian, dominion or colonial firm or company, or branch thereof, carries on business with a resident person, and it appears to the assessment committee that owing to the close connection between the resident person and he non resident person, and to the substantial control exercised by the nonresident person over the resident person, the course of business between those persons can be so arranged, and is so arranged, that the business done by the resident person in pursuance of his connection with the nonresident produces to the resident person either no profits or less than the ordinary profits which might be expected to arise from that business, the nonresident person shall be assessable and chargeable to tax in the name of the resident person as if the resident person were an agent of the nonresident person.

Where it appears to the assessment committee that the true amount of the profits or gains of any nonresident person chargeable with tax in the name of a resident person can not be in any case readily ascertained, the assessment committee may, if they think fit, assess and charge the nonresident person on a percentage of a turnover of the business done by a nonresident person through or with the resident person in whose name he is chargeable as aforesaid, and in such case provisions of the income tax laws 1919-1921 relating to the delivery of returns by persons acting on behalf of others shall extend so as to require returns to be given by the resident person of the business so done by the non resident person through or with the resident person, in the same manner as returns are to be delivered by persons acting for incapacitated or nonresident persons of profits or gains to be charged.

TAX EXEMPTION IN AUSTRIA.

A law of March 20, 1922 (B. G. B. No. 39) grants tax exemption to nonresident foreigners on any business transacted in Austria, provided they maintain no place of business in this country, when they personally or through representatives make purchases or take orders there.

The tax exemption feature extends also to income derived from such transactions. To be entitled to the privileges of such tax exemption, persons wishing to avail themselves of it must show that they are entitled to do business in a foreign country and are there taxed. This exemption is granted only when it is provided for by the treaty, or when the foreign country grants similar privileges to Austrians.

TRANSPORTATION TAX IN TURKEY.

By a decree issued by the Imperial Ottoman government on May 20, 1922, a tax of 2 Turkish paper pounds will be levied on all male residents of Constantinople between 18 and 60 years of age, and a tax placed on all transportation used within the city limits.

By proclamation, the commanding officers of the Allied Armies of Occupation have made the provisions of this decree applicable to all subjects of Non-Ottoman states. Individuals attached to the foreign diplomatic and consular bodies, the high commissions, military organizations and means of transportation belonging to them are exempt.

The laws in question are applicable only during the fiscal year 1922-1923. The following schedule in Turkish pounds of tax on means of transport is published:

Cabs and one pair of horses-20; cabs and one horse, carriages drawn by buffaloes or oxen, motor cycles and side cars-10; carriages for conveying goods, and pair of horses-8; carriages for conveying goods and one horse, bicycles-4; draft horses and saddle horses 3; donkeys-2; automobiles-60 and motor trucks-100.

ANGOLA PROFITS TAX.

A profits tax (imposto de rendimento) was put in force in the province of Angola which affects the profits of all corporations, partnerships or firms of whatever nature, Portuguese or foreign, doing business here. The tax is 6 per cent of net profits from industrial, agricultural or commercial business (negocios). In the case of firms with home offices in Angola, the tax is reduced to 3 per cent. It affects profits for the whole of the year 1922.

NEW GREEK INCOME TAX.

According to the Forced Loan Law, which became effective April 7, 1922, the income tax is doubled. Half of the proceeds of this tax are to be employed for the service of the forced loan.

LATEST BANKING LAWS AND ENACTMENTS

NEW BANKING LAW IN SPAIN.

By U. S. Charge d'Affairs, William Spencer.

On June 16, 1922, La Gaceta de Madrid published a royal order dated June 13 approving provisionally section 2 of the new banking law passed by the Cortes on December 28, 1921. The text of this section is quoted below in translation;

Duties of Banks.

Article 6. All private banks, whether foreign or native, operating in Spain are obliged to publish their balances and the statement of their profit and loss accounts.

Balances will be presented quarterly to the comisaria in accordance with the specimen, which at the request of the superior bank council has been approved by the Government; statement of profit and loss account will be remitted annually.

Balances and the statement of the profit and loss account of foreign banks and bankers will indicate their position and the results of their operations in Spain; those of Spanish banks and bankers will show their position and the result of all their operations.

Article 7. At the request of the Ministry of Finance the Government will dictate the measures covered by the law of bank ordinances regarding banks not registered in the comisaria. Upon the superior bank council in this connection falls the work of supplying information and advice.

Article 8. Banks registered in the comisaria, in addition to the obligations of all banks, will have to fulfill the following;

(a) Loyally comply with all the measures dictated by the superior bank council within the limits of its rights and meet with its requirements to the best of its ability.

(b) Accept and submit to the sentences given by the superior bank council and approved by the comisaria in the event of noncompliance with the rules made.

(c) Submit to the inspection made by the Bank of Spain referred to in the tenth section of their decree.

submit to them.

(d) Study any questions which the superior bank council may

(e) Pay any expenses which arise from the ordinary operation of the superior bank council by means of an annual fee fixed by the said council, without exceeding one fourth of one per cent of the capital plus the reserves of each bank and one-half of one per cent of the capital which each banker has invested in his banking business in accordance with the seventh part of article two of the law. The fee will be paid annually in advance.

Privileges of Banks.

Article 9. The registered bank will enjoy the following privileges and benefits:

(a) Right to direct and indirect vote in connection with the constitution of the superior bank council in the form and according to the requirements established in part two of article 19 of this law.

(b) Participation in the bonus system which the Bank of Spain grants in accordance with eighth part of article one of the law of ordinance and as described in the tenth section of this decree.

(c) Participation in the facilities and benefits contained in the agreement made with the state for the establishment of a "crossed" or traveler's check.

(d) Participation in the facilities and benefits contained in the agreement with the state regarding bill stamps on checks, remittances and sight drafts.

The agreements referred to in parts of three and four will be incorporated in this decree as integral parts of the same and will constitute section twelve after they have been made.

(e) Participation in the "caja de compensacion" (clearing house). Every bank or banker may be a member of the clearing house established in the banking zone in which they are located and may present thereto direct all checks, drafts, or other documents to be paid or collected in accordance with the regulations contained in the statutes of the same.

(f) Participation in the enjoyment of the services rendered by the superior bank council such as commercial information, publications, library, etc.

Definitions.

Article 10 In connection with the fourth part of the law of ordinances, the banking terms mentioned therein will be defined as follows:

direct railroad communication between the contracting states. The line will run from Germany, via Koenigsberg-Insterburg-Kovno-Kalkuhnen-Dvinsk-Rezhitsa-Moscow.

Revised Export Duties.

The Ministers of Finance and Trade and Industry promulgated the revised schedule of duties on Apridl 7, effective April 10, 1922.

The items on which export duties are levied are mainly: lumber and agricultural products, furs and skins raw materials and waste products. All articles not specified on the list are free of duty and restrictions. Precious stones and metals, monies and securities, and all articles of cultural value are prohibited to export.

Finland.

Foreign Exchange Restrictions Continued.

The statutes of May 24 and September 8, 1921 were continued in force, although in a modified form, by a statute of May 29, 1922. The right to carry on the sale and exchange of valuta is a prerogative of Finland's Bank but may also be granted by the Ministry of Finance to banking Companies and private persons, provided the latter are Finnish citizens resident in Finland. Same qualifications apply to the directorate of the banking companies. These rights are given for a certain time and are subject to restrictions fixed by the Ministry of Finance, which provide for the control by the State Inspector of banks over foreign exchange activities of such persons and companies.

Scandinavian Postal Agreement.

See "Denmark" above.

Commercial Treaty with Germany.

Wolff Telegraph Agency announces that a commercial treaty was signed by Finnish and German delegates on April 22,1922 embodying regulations in respect to shipping and railway connections of the two countries and defining the powers of the consular officers.

A declaration is included in the treaty authorizing the drafting of a new trade treaty of wider scope. The treaty becomes effective upon the exchange of ratifications.

France.

Commercial Treaty with Poland

Le Journal Officiel for June 20, 1922 promulgated Franco-Polish commercial agreement, effective immediately. In return for partial concessions to Polish products from the French general duties, articles originating in France and its colonies, possessions, and protectorates have been granted in Poland most favored nation treatment, and in addition certain special duty concessions.

It is further specified that certain articles of whatever country of origin shall benefit by the same treatment when shipped to Poland by French firms or by Polish firms established in France.

Table A consists of a list of 60 articles which when imported into Poland from France are granted reductions from the Polish duties varying between 20 and 50 per cent off the duties. Articles obtaining the greatest reductions are dates and condiments, liquors, rum, brandy, wines, cheese, cinematograph films, truffles, vanilla, paper, tobacco, sparkling wines, fish preserved in oil, shoes of leather or rubber, certain pharmaceutical products, cork, toilet and medicinal soaps, automobiles, motorcycles and silk fabrics.

Forty articles imported into France from Poland, listed as Table B, benefit by the French minimum of tarriff. This list consists chiefly of foodstuffs, mineral oils, household goods and lumber.

Table C consists of fifty articles from Poland on which there are varying reductions of customs duties, calculated on the difference between the general and the minimum tarriffs, and varying between 25 and 75 per cent off the general rates of duty. Articles granted greatest reductions under the French schedule are carding machines and those equipped throughout for spinning carded cotton and wool, potatoes, molasses for cattle feed, other articles for textile machinery, semi-Diesel engines and wickware

Other provisions of the agreement relate to warehousing and transit legislation, trade mark protection, certificates of origin, circulation of commercial travelers, free entry of samples, legal status of French or Polish firms in the respective countries and equality of treatment of French and Polish ships

Commercial Agreement with Spain

A commercial agreement was signed between France and Spain in Madrid on June 20, 1922, and referred to the respective governments for ratification

According to the French press, sundry French commodities will obtain reductions below the Spanish minimum tariff, in some cases, exceeding 20 per cent. The principal articles affected are silk goods, automobiles, certain machinery, clockwork, jewelry, mines, liquers, certain chemical products and cured skins. All other French commodities will be subject to the minimum rates of duty in Spain. Spain will be granted the French minimum rates of duty on oranges, lemons, vegetables and sardines. On Spanish wines containing less than 12 degrees of alchohol a concession will be granted reducing the French customs coefficient from 2.6 to 2.06. Other Spanish products have been granted reductions calculated on a percentage of difference between the general and minimum tariff.

Franc Equivalent for Telegraph Tariffs.

Le Journal Oficiel of May 12 contained a decree issued April 12 and effective May 16, 1922, by which the equivalent of the gold franc is fixed at 2 francs in French currency, for he purpose of International telegraph charges. This decree is not applicable to traffic between France, Algeria and Tunis on the one hand, and the French colonies on the other.

Franco-Polish Money Orders.

See "Poland" below.

Germany

Commercial Agreement with Finland.

See "Finland" above.

Exchange Rates for Stamp Tax.

A decree dated July 4, 1922 and published in the Reichsanzeiger for July 13, 1922, establishes the exchange rates to be made the basis of assessment of the exchange stamp tax as follows:

Dollar—359 marks, pound, sterling—1,600 marks, French franc—30 marks, Swiss franc—70 marks and Dutch florin—140. The decree took effect on July 15, 1922.

Agreement on East Prussian Traffic.

See "Danzig" above.

New Import Tariff Schedule.

By a law of April 8, published in the Reichsgesetzblatt for April 20, 1922 the Reichstag has materially amended the customs tariff by increasing the import duties on a large number of commodities. On most classes of goods affected, the change consists of a doubdling of the former duties, with the exception of certain tropical products, which are advanced more sharply. By order of the Minister of Finance all advances, except those on coffee and tea, were made effective on May 1, 1922.

Baltic Railway Conference.

See "Esthonia" above.

Surtax on Import Duties Increased.

Effective June 25, 1922 the number of paper marks required for the payment of import duties will be increased to sixty-five times the basic gold rates specified in the customs tariff.

Great Britain.

Trade Agreement with Lithuania.

Through an exchange of notes between the representatives of the two countries, signed May 6, 1922, a provisional commercial agreement was effected between Great Britain and Lithuania. By its terms each country affords to the citizens of the other most favored nation treatment as regards all matters of commerce and navigation, including customs anl formalities, internal commercial operations, and the establishment of commercial enterprises within the territory of the other. Reciprocal freedom of transit is accorded to persons, goods, vessels, vehicles and mails to and from each country over the territory and waters of the other. In matters of shipping national or most favored nation treatment is assured, with the notable exception of coasting and internal trade, reserved exclusively to national vessels.

Only such parts of the British Empire enjoy privileges of this agreement as grant reciprocity. The agreement is to continue in force until the conclusion of a final trade treaty or until the expiration of three months, following a notice of termination by either party.

Greece.

Revision of Import Tariff.

On June 24, 1922 Minister of Finance deposited wih the National Assembly a bill for general tariff revision. Article 6 of this bill provides that the increased duties specified therein should become effective immediately. In case any duties will be modified downward by the Assembly, excess collected will be refunded. Two scales of duties are provided, a general and conventional. Products of the United States are dutiable at the lower rates of the Conventional schedule.

The new tariff provides for payment of duties on a gold basis. When the duties are stated in paper, they are to be converted into gold at the rate of 1.45 paper drachmas

to 1 gold drachma. The payments of duties, however, will be made in paper currency to be calculated as follows: The gold duty will be multiplied by he consortium rate per pound sterling and divided by 25.

There is an increase of 10 per cent of the duties to be applied to the forced loan, and an octroi tax of 25 per cent of the regular import duty, both of which are paid in paper currency. Provision is made for ad valorem surtaxes on certain articles, and on a number of commodities the duty is to be multiplied by varying coefficients.

Honduras.

New Insurance Act.

The Congress passed by resolution on March 20, 1922 a new law regulating the conduct of business by insurance companies effective on April 18, 1922. A translation of the new law (decree No. 107) follows:

The National Congress considering that it is one of the duties of the government to effectively protect the domestic savings societies to enable them to expand to the general benefit; and considering that similar foreign companies do business freely in the country with no profit to the national treasury in return for the large sums that are taken out to be invested outside the country: and

Considering lastly that the nationals insured in said companies encounter insuperable difficulties in collecting the value of their policies and in the great majority of cases are defrauded of all their rights; decrees;

Article—1. All companies chartered outside the territory of the Republic which desire to engage in the sale of poli cies, either in the form of savings, accident insurance, or of life insurance must be incorporated previously as legal persons and accredit a permanent representative, legally authorized to answer in the courts of the Republic to claims made on them by the policy holders. Whenever a change of representative is to be made, the executive must be notified and he will inform the authorities and the public by means of the Gaceta Oficial.

Article 2. The said companies will deposit in the national treasury, before beginning their business, fifty thousand dollars or its equivalent in the national currency, to guaranty the claims of policy holders and the fines that may be imposed upon them for infraction of the present law. This deposit will bear no interest and will be returned when the companies prove that they have stopped doing business in the country and that their policies are totally cancelled.

Article 3. The penalty for infraction of the dispositions of the foregoing articles will be a fine of two hundred dollars or its equivalent in national currency for the first offence and of five hundred pesos in the same currency for the second. In a case of a third offence, the agents will be prohibited from exercising their function as such, the authorities being able to apply the law to foreigners.

Article 4. The fines collected in accordance with the preceding article will be alloted to the funds for primary instruction and will be deposited directly in the municipal treasury of the locality in which the infractions were committed; the mayors being therefor authorized to impose them officially and to watch out for the strict enforcement of the present law.

Import Surtax at Puerto Cortez and Omoa.

A recent decree established an extra tax of 0.01 peso per kilo on all merchandise imported through the ports of Puerto Cortez and Omoa with the exception of that exempt by concession or special laws and merchandise on the free list.

Hungary.

Telegraphic Traffic Agreement with Poland.

See "Poland" below.

Railway Agreement with Austria.

The railroad agreement concluded with Austria in January last was ratified by both governments and is now in effect. One agreement deals with the question of railroad connection between the two countries. The other agreement regulates traffic through the Sopron (Odenburg) district and provides that persons traveling through Hungarian part there of in closed cars shall be exempt from passport and customs examination.

Compensation Agreement with Austria.

See "Austria" above.

Italy.

Monopoly on Playing Cards Terminated.

Royal decrees of May 14, 1922 published in La Gazzetta Ufficiale of June 3, ordered relinquishment of the government monopoly on playing cards on July 1, 1922. A stamp tax of 1.50 lire for ordinary cards and of 3 lire for other cards is imposed, except on cards exported from Italy.

Commercial Agreement with Poland.

A commercial treaty with Poland concluded at Genoa on May 8, 1922 and published in the Bollettino di Notizie Commericiali of June 8, 1922 accords to Italy the same favored treatment as has hitherto been enjoyed solely by France.

Each of the contracting parties agrees to grant the same treatment to the products of the other, which is or may be accorded to the products of the most favored nation. Furthermore, neither government may impose greater restrictions on its exports to the territory of the other than is placed on goods destined to a most favored nation. The treaty also contains a provision which will facilitate the transit through Triest of Polish emigrants to America.

Latvia.

Baltic Railway Conference.

See "Esthonia" above.

New Import Tariff.

A new schedule of import duties went into effect on June 2, 1922. The new tariff by the reduction of the equivalent to 1 Latvian franc from 100 to 50 Latvian rubles to take place within six months after the introduction of the new tariff halves the present tariff. On many individual items, however, this reduction has been more or less upset by increases in the specific duties.

Lithuania.

Baltic Railway Conference.

See "Esthonia" above.

Trade Agreement with Great Britain.

See "Great Britain" above.

Mexico.

New Charges Against Foreign Ships.

A circular dated April 10, 1922 issued by the Mexican Immigration Service provides a new scale of fees payable by all foreign passenger and freight vessels calling at Mexican ports prior to 7.30 a. m. or clearing after 5.30 p. m. Passenger steamers are required to pay 30 pesos and freight steamers 15 pesos.

Pan American Postal Convention Ratified

The Pan American principal convention and the Pan American parcel post convention, concluded at Buenos Aires last September, were ratified in July, 1922 by the government.

Mozambique.

Convention with Transvaal Denounced.

The government of the Union of South Africa denounced the Mozambique convention of 1909, to terminate on April 11, 1923. This convention secured to the Transvaal the right to recruit native labor in Mozambique and certain facilities at the port of Lourenco Marques, while Mozambique, among other privileges, was allowed duty free shipment of its sugar into the Transvaal.

New Zealand.

Treaty with South Africa Terminated.

The Governor General of New Zealand by an order in Council on July 3, 1922 terminated the reciprocal customs treaty between New Zealand and the Union of South Africa, effective August 1.

Nigeria.

Revision of Import Schedule.

The customs tariff (Ordinance 32, 1916) was further amended, effective April 28, 1922. A duty of 10 per cent ad valorem was imposed on corrugated iron sheets, formerly free of duty. Glassware, brushes and brooms, cordage and twine, candles, jewelry and plate, musical instruments, perfumery (other than perfumed spirits), tobacco, pipes, prints and engravings, toys and games, bread and biscuits, fish (except fresh), flour, rice, provisions, (xcept fresh), tea and sugar, formerly free of duty, are now dutiable at the rate of 15 per cent ad valorem.

The duties on all products formerly dutiable at the rate of 12½ per cent ad valorem have been increased to 15 per cent ad valorem. This class consists of earthenware, enamelware, furniture, hardware, including cutlery, minor metal articles, domestic kitchen utensils, articles of brass, copper and zinc, hosiery, underclothing, wearing apparel and other haberdashery, thread and yarns, woven goods (except bags for packing products, and species).

With the exception of the following articles, which are dutiable at specific rates and remain unchanged, all other imports are free of duty; alchoholic beverages and spirits, arms, ammunition and explosives, beads, coral, iron toothed spring traps, kerosine and other lamp oils and fuel oil not specified, petroleum and other refined motor spirits, kola nuts, lead, matches, salt, soap, tobacco, umbrellas and grey baft.

Norway.

Import Duties on Luxuries Increased.

The Storthing at a special meeting July 3, 1922, passed a bill providing for increased import duties on practically all luxury articles, to be calculated on an ad valorem basis. These duties were previously levied at specific rates, according to the weight of the goods.

Trade Treaty with Spain Ratified

Berlingske Tidende reports that the Storthing finally approved the temporary treaty with Spain. The original draft was supplemented by a paragraph authorizing the government to carry on further negotiations with the wine countries and conclude treaties on other alternatives, e. g. free importation of "hot" wine. The temporary treaty with Spain calls for a yearly import contingent of 500,000 liters.

Scandinavian Postal Agreement.

See "Denmark" above.

Peru.

Registration and Taxation of Foreigners.

A new law providing for the registration and taxation of foreigners was signed by the executive on April 15, 1922. Foreigners are to register at the Department of Passports and Aliens. Those living in the capital must register within three months from date of arrival, and those living elsewhere in Peru shall register within six months. If registration is not effected within the time specified, a fine of 100 Peruvian pounds is imposed. The fee for residence permits is one Peruvian pound to those who have registered and one half of a pound to transients or temporary residents.

Poland.

Customs Tariff Extended to Polish Silesia.

The decree of April 7, 1922 promulgated April 24, provides that merchandise coming from Polish Silesia is to be admitted into Poland free of all duties, effective May 1, 1922.

Commercial Treaty with France.

See "France" above.

Agreement on East Prussian Traffic.

See "Danzig" above.

Tobacco Monopoly Established.

The Diet empowered the Ministry of Finance to establish a tobacco monopoly throughout Poland.

Telegraphic Traffic Agreement with Hungary.

A recent conference of Polish and Hungarian postal authorities at Warsaw resulted in a traffic agreement on telegraphic business between the contracting countries and provided for direct wires between Budapest and Cracow, Warsaw and Lwow.

Franco-Polish Money Orders.

Beginning May 1, 1922 a postal money order system with France went into effect. French orders must not exceed 200 francs, while the Polish orders are not permitted to exceed the exchange value of 200 francs in Polish marks.

Central European Time Introduced.

Central European time (from the 15th meridian east of Greenwich) has been officially adopted for the whole of Poland, according to the law of May 11, effective June 1, 1922.

Disposition of Unclaimed Parcel Post.

After July 1, 1922 senders of parcels by mail may provide by writing on the parcels either for the abandonment or alternative delivery of undeliverable packages in Poland. Parcels not so marked will be held in Poland for 30 days and then will be returned at the sender's expense.

Commercial Agreement with Italy.

See "Italy" above.

Rumania.

Duties on Exports to Certain Countries.

A decree of the Council of Ministers, effective April 1, 1922 stipulates that export duties on a long list of cereals, vegetables, petroleum and lumber products, when shipped to countries whose currency is at premium compared with the leu, should be paid in gold or its equivalent in the actual currency of the country of destination in the form of specie, checks, drafts or other recognized method. On shipments to Germany, Austria, Poland, Russia, Hungary and Bulgaria, export duties continue to be payable in Rumanian paper currency, since the currencies of these countries are at a discount compared with the leu. The parity of foreign exchange with Rumanian currency is officially established for the purpose of carrying out the provisions of this decree, and may be changed periodically with the variation of international exchange.

Parcel Post to the United States.

See "United States" below.

See "United States of America" below.

Russia.

Baltic Railway Conference.

See "Esthonia" above.

New Parcel Post Regulations.

A new decree promulgated by the government provides that clothing, shoes, printed matter, etc. may be sent by parcel post from abroad when addressed to individuals in Russia for their personal use without obtaining permission from the Foreign Trade Commissariat. All matter sent by parcel post, with he exception of foodstuffs, is subject to the usual customs duties. The limit of weight of packages for parcel post to Russia is 12 pounds.

Extension of Russo-British Agreement to Canada.

See "Canada" above.

Americans and Rights of Other Foreigners.

Spain.

Tobacco Monopoly Extended to North Africa

A decree was issued bringing the Spanish North African colonies under the administration of the Spanish Tobacco Monopoly and authorizing the Monopoly to purchase cigarettes or supervise the manufacture of cigarettes abroad for those colonies.

Invoices by Foreign Chambers of Commerce.

By royal order of April 15, 1922, published in La Gaceta de Madrid for May 11, chambers of commerce are specified as included among the local authorities in foreign countries empowered to legalize the original invoices by certifying as to the price indicated, which is required on all shipments to Spain of goods subject to ad valorem duties.

Commercial Treaty with Switzerland.

See "Switzerland" below.

Commercial Agreement with France.

See "France" above.

Depreciated Currency Surtax Restored.

A royal order of May 29, published in La Gaceta de Madrid for May 31, effective June 1, 1922 reestablishes in modified form the duty surcharge on merchandise imported from countries whose currencies have depreciated 70 per cent or more of the par value as compared with the peseta, and also goods proceeding from countries now subject to the higher duties of the first column of the Spanish tariff, whatever the depreciation of such currencies.

The reimposed surtax is uniform, applying to all classes of goods and will consist of a percentage addition to the ordinary customs duties, and will be determined by multiplying, by the fixed coefficient 0.8 the difference between 100 and the average quotation on the Madrid Bourse of the currency of the country concerned during the preceeding month. La Gaceta de Madrid is to publish each month the average quotation on which the assessment of the surtax will be based.

Use of Foreign Coal Restricted.

According to royal order of June 5, 1922, published in La Gaceta de Madrid for June 6, all Spanish railroad companies receiving government aid shall be obliged to use national coal up to at least 70 per cent of their total consumption until such time as the Coal Commission shall have determined the proportion of Spanish coal to be used by railroad companies.

Another royal decree dated June 6, 1922 and published in La Geceta for June 7, orders that all steamship companies subsidized by the government must supply their ships leaving Spanish ports with quantities of Spanish coal up to at least two-thirds of the total quantity taken aboard.

Trade Treaty with Norway Ratified.

See "Norway" above.

Parcel Post to the United States.

See "United States of America" below.

Sweden.

Parcel Post to the United States.

A parcel post convention concluded with the United States and effective June 1, 1922 increases the maximum weight limit of parcel post packages to 22 pounds.

It also provides that the sender of registered parcel is entitled in case of loss, damage or rifling to an indemnity equal to the amount of the actual loss incurred, not to exceed the equivalent of 50 francs for any one registered parcel.

Scandinavian Postal Agreement.

See "Denmark" above.

Switzerland.

Commercial Treaty with Spain.

By the terms of the commercial treaty with Spain, which became provisionally effective May 16, 1922, pending the exchange of ratifications, each country granted the products of the other the benefit of the lowest import duties of its

present customs tariff, and in addition provides for an exchange of special concessions in duties on certain specified products of particular interest to the supplying country. Switzerland establishes conventional rates, amounting to considerable reductions from the present scale of Swiss duties, and applying to a limited number of commodities of which Spain is the principal supplier, particularly certain fruits, nuts, olives and wines. In exchange Spain grants to Switzerland reductions below the duties of the "second column" or present minimum scale of the Spanish tariff, affecting a considerable list of characteristic Swiss products, the concessions amounting generally from 5 to 15 per cent, but running to 30 per cent in the case of certain machinery and as high as 80 per cent on watches. An unusual provision of the arrangement is that whereby Switzerland foregoes for certain products the right to claim later the benefit of any reductions from the second column rates which Spain may accord to a third country. In order to obtain the benefits of the new rates the shipments of the articles affected must be accompanied by a certificate of origin in prescribed form. Parcel post packages are exempt from this formality.

Union of South Africa.

Denunciation of Mozambique Convention

See "Mazambique" above.

United States of America.

Parcel Post to Egypt, Esthonia, Rumania and Spain.

Senders of parcel post packages mailed in the United States, addressed for delivery in Egypt, Esthonia, Rumania or Spain will hereafter have an opportunity to provide by writing on the parcels either for the abandonment or alternative delivery of undeliverable parcels. Parcels not so marked will be returned at the sender's expense. They will be held for 30 days in Egypt, Esthonia and Rumania and 60 days in Spain before being returned to the sender or abandoned.

Parcel Post to Sweden.

See "Sweden" above.

Ratification of Pan American Postal Convention.

The Pan American principal convention and the Pan American parcel post convention, concluded at Buenos Aires last September were ratified in June by the United States.

Foreign Rights in Russia.

The Department of State announced on July 20, 1922 that American citizens who enter into agreements or otherwise deal with the government of the Russian Socialist Federated Soviet Republic so as to prejudice or jeopardize rights of citizens of other countries in the territory of Russia would do so without the sanction or support of the United States government.

Modification of Passport Regulations.

An executive order effective September 1, 1922 extended to citizens of Cuba, Santa Domingo and Haiti privileges of admission to the United States and waived requirement of passports, identity cards and similar documents.

The order also specified that aliens of any nationality who regularly reside in the United States but who have gone to Canada, Newfoundland, Bermuda, Mexico, Bahama Islands, St. Pierre-Miquelon, Cuba, Santo Domingo or Haiti can return to the United States within six months of their departure without passports or similar documents.

Depositaries of Public Moneys Abroad.

The president approved on June 19, 1922 the following Joint Resolution of the Congress:

That the Secretary of the Treasury may designate such depositories of public moneys in foreign countries and in the territories and insular possessions of the United States as may be necessary for the transaction of the government's business, under such terms and conditions as to security and otherwise as he may from time to time prescribe: Provided that in designating such depositories American financial institutions shall be given preference wherever in the judgement of the Secretary of the Treasury, such institution is safe and able to render the service required.

Uruguay.

Revision of Postal Tariffs.

Effective April 1, 1922 the Republic of Uraguay established new rates on all classes of foreign mail. The new schedule is a material increase over the previous rates so far as countries not signatories to the Pan American Postal Union are concerned.

Trade Agreement with Canada.

See "Canada" above.

Yugoslavia.

Hall-Marking for Imported Gold and Silver

Sluzbine Novine for April 6, 1922 contains regulations concerning control of the purity of gold and silver in Yugoslavia. Under the terms of the law, which became effective on the date of publication, all imports of gold and silver will be forwarded by he customs or postal authorities to Bel grade, Sarajevo, Split or Celje for examination and stamping.

Trade Agreement with Austria.

The reciprocal agreement of June 27, 1920, governing the commercial relations with Austria, which was extended to June 30, 1922 has been further prolonged by Scoupschina until the conclusion of a new permanent commercial treaty.

Serbian Laws Extended to New Territories.

A law of June 30, 1922 extends all the laws of he Kingdom of Serbia to the territories which were annexed thereto as a result of the Balkan wars of 1912 and 1913 and abrogates all the special decrees which applied to these territories.

Limitations on Check Permits.

A decree of July 6, 1922 modifying that of February 25, provides that all permits for the purchase of checks which were issued prior to February 25 are cancelled, while those issued for an unlimited period subsequent to that date are restrirted to a validity of 30 days.

Another delree of July 14, 1922 requires that all outstanding permits be returned to the National Bank committees and that new permits will be issued only if the importer can prove that the purchase of check is necessary to meet his payments abroad.

West Indies (British).

Postage Rate to the United States.

Under a recent ruling by the colonial postmaster, the rate of postage from Bermuda to the United States has been reduced from 5 to 2 cents.

Increase in Import Duties at St. Vincent.

Ordinance No. 2 of 1922 effective on February 21, 1922 amends "Customs Duties Ordinance, 1920", which now governs the importation of goods into the colony, by levying a surtax of 10 per cent of the duties specified on each article in the present schedule of import duties.

ABRIDGEMENT OF RECENT AMERICAN DECISIONS

ADOPTION.

The adoption statute of California (Civ. Code, par. 221 et seq.) which permits the adoption of infants by residents of the state having certain qualifications, without requiring that they be citizens, does not change the status, as a citizen, of an infant adopted, and the fact that thereunder aliens may adopt an infant who is a citizen of the United States does not render it invalid, as abridging the privileges or immunities of citizens, in violation of the Fourteenth Amendment to the Constitution of the United States. Cabrillos v. Angel, 278 F. 174.

Illinois.

The status of one as an adopted child is fixed by the law of the domicile.

The status of an illegitimate child, under the laws of California, his domicile, as legitimated from birth with full capacity to inherit, by his adoption by his father, will be recognized as to real estate in Illinois, not being inconsistent with its laws or its public policy. McNamara v. McNamara, 135 N. E. 410.

ALIENS.

On an issue as to the United States citizenship of a person of a Chinese race, he is not required to establish his citizenship beyond a "substantial doubt," but only by a fair preponderance of the evidence. In re Wong Toy, 278 Fed. 562.

Act May 22, 1918 (Comp. St. Ann. Supp. 1919, par. 7628e et seq.), authorized the President, when the United States is at war, if the public safety requires, to impose restrictions on the departure of persons from and their entry into the United States and provided, inter alia, that, on proclamation of the President, "it shall until otherwise ordered by the President or the Congress" be unlawful for any alien to depart from or enter the United States, except under such regu

lations and subject to such limitations as the President shall require. Diplomatic and Consular Appreciation Act, March 2, 1921, par. 1 provides that the provisions of Act of May 22, 1918, insofar as they relate to requiring passports and vises from aliens seeking to come to the United States, shall continue in force until otherwise provided by law. Held, that the effect was to remove such provisions from the class of so-called "war legislation", and that they were not terminated by the Joint Resolution of March 3, 1921, providing that any act or provision by its terms in force only during the existence of a state of war should be construed as if the war terminated on the date the resolution became effective. U. S. v. Wallis, 278 Fed. 838.

California Alien Land Law, par. 2, adopted in November, 1920, providing that aliens not eligible to citizenship may not acquire, hold or transfer real property or any interest therein except in the manner, to the extent, and for the purpose provided in a then existing treaty between the United States and the country of which such alien is a citizen or subject, held constitutional and valid. Porterfield v. Webb, 279 F. 114.

A contract between an owner of land and an alien Japanese resident, designated as the "cropper", by which the owner employed the cropper to cultivate the land for four years, with the right to occupy a house thereon, using the horses, machinery and tools of the owner, who reserved the general possession of the land, the cropper to receive for his services one half of the crops after they were harvested, "provided that the cropper shall have no interest or estate whatsoever in the land described herein"; held not to create the relation of landlord and tenant, not to vest the alien with an interest in the land, which rendered the contract invalid as a violation of the California Alien Land Law of November, 1920. O'Brien v. Webb, 279 F. 117.

Comp. St. Neb. 1911, c. 73, par. 70, providing that non resident aliens may not take or hold title to real estate by discent or devise, except that the widow and heirs of aliens who have heretofore acquired lands under the laws of the state may hold the same by devise or descent for 10 years, at the end of which time the lands shall escheat, unless they have been sold or the alien heirs have become residents of the state, is not in conflict with article 1, par. 25 of the State Constitution, providing that "no distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property" since the prohibition is directed only against nonresident aliens, and under such statute lands of a citizen, dying intestate do not descend to his heirs who are nonresident aliens. Toop v. Ulysses Land Co., 278 F. 840.

California.

Alien Land Act, 1913 by its provision that action shall be brought by the state for the escheat of any land conveyed to aliens in contravention of the act, recognizes the general rule that a conveyance to an alien, disqualified to hold real estate, transfers the title to such alien until the same is divested by the state, or by inquisition had upon its denounce ment.

Payment by an alien, disqualified to hold land, for land conveyed to his daughter, who was a native born citizen, does not establish a trust in father's favor under Civ. Code, par. 853, since the law will not apply a trust in favor of an alien prohibited from holding the lands, and a trust in favor of such alien would be unenforceable under Alien Land Act, 1913.

An alien disqualified to hold land can sequre a convey ance of land to his minor daughter who was a native born citizen and therefore entitled to acquire and own real estate, though the conveyance was made to her confessedly because the laws did not permit the alien to buy the land for himself.

Initiative Alien Property Act, 1920, par. 4, providing that an alien shall not be appointed guardian with respect to the estate of a minor, in lands, the title to which the could not acquire, violates United States Constitution, Amendment 14 and Constitution of California, art. 1, par. 21, prohibiting special privileges or immunities to a citizen, or a class of citizens, when applied to the father of a citizen, since it deprives such citizens of the rights under Code Civ. Proc., par. 1751, giving the father of every minor the preferential right to be guardian of the minor, unless incompetent, and sec. 1748, giving minor over 14 the right to nominate a guardian. In re Tetsubumi Yano's Estate, 206 P. 995.

Montana.

An alien may inherit lands within the state only by grace of state statute. Mork v. Mellet, 205 P. 664.

Nebraska.

Under Rev. St. 1913, par. 6273, a nonresident alien cannot acquire or take title or interest in lands within the state by descent, devise, purchase or otherwise except where the land is within the exemptions stated in the statute. Metzger v. Metzger, 188 N. W. 229.

New Hampshire.

Aliens are under no special constitutional protection which forbids a classification otherwise justified simply because the limitation of a class falls along the lines of nationality, for that would be requiring a higher degree of protection for aliens than for similar classes of American citizens. State v. Rheaume, 116 A. 758.

ALIEN PROPERTY CUSTODIAN.

A German court was without authority to appoint an absence trustee for an American citizen in matters relating to the dissolution of partnership between the citizen and German subjects.

An American, citizen who had been in partnership with German subjects before the war, is entitled to recover possession of such assets from the Alien Property Custodian by a bill under Trading with the Enemy Act, Oct 6., 1917, par. 9 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, par. 3115½e), but must account to the Alien Property Custodian for the interests of his enemy partners, under sec. 8(a), being sec. 3115½dd.

After the declaration of war, all trading or commercial intercourse between American and German partners was unlawful, and opposed to the public policy of United States, even before the enactment of said Trading with the Enemy Act, sec. 7b of which (Comp. St. 1918, Comp. St Ann. Supp. 1919, par. 3115½d), recognized that previous trading with the enemy was illegal.

Since an American citizen could not, before he declaration of peace with Germany, have agreed with his German partners as to disposition of the firm assets, the filing by him of a bill to reclaim from the Property Custodian the firm assets in this country, which had been seized by the Custodian, cannot be given effect as a ratification of the facts of German partners in transferring American assets to American partner.

In said Trading With the Enemy Act, par. 2 (Comp. St. 1918, Comp St. Ann. Supp. 1919, par. 3111½aa), defining the words "to trade" as entering into, carrying on, or completing any contract, agreement, or obligation, the ratification of a contract made by enemy partners dissolving the partnership would be the completing of a contract, agreement, or boligation. Mayer v. Garvan, 278 F. 27.

New York.

Assuming that it was a corporation's duty to inquire as to whereabouts of an alien enemy stockholder residing in Germany, it was justified in accepting the statement of her agent that he believed she was residing in Holland, and relying thereon, with no reason to think she was an alien enemy, it was not called on to notify the Alien Property Custodian of her subscription rights to increased stock.

An American citizen resident in Germany during the war was an alien enemy, within the meaning of the Trading with the Enemy Act (U. S. Comp. St. 1918, Comp. St. Ann. Supp. 1919, pars. 3115½a—3115½j), and a transfer in Germany of her subscription warrant for increased stock in a domestic corporation on December 21, 1918 was absolutely void, within the meaning of such Act. Noble v. Great American Insurance Co., 194 N. Y. S. 60.

A determination by the Alien Property Custodian that a demand against an estate is a debt owing to an alien enemy is conclusive for the purpose of a proceeding to enforce his demand for the payment of such claim to him. But such demand by the Alien Property Custodian is not a determination by him that the legacy is presently payable, but merely substitutes him to the rights of the legatee, and does not entitle him to a summary order for its payment.

A demand by the Alien Property Custodian for property, signed before, but not served until after the declaration of peace with Germany, July 2, 1921, held ineffective to vest title to the proprty in the Custodian. Miller v. Rouse, 276 F. 715.

Debts enforceable against the assets of an alien enemy under Trading with the Enemy Act, October 6, 1917, sec. 9, as amended by act, July 11, 1919, include all valid obligations whenever created or accrued, and are not limited to those existing when the statute was enacted.

An indebtedness arising out of the performance of an executory contract between an American citizen and a Ger

man subject who afterwards became an alien enemy, held recoverable from property in the hands of the Alien Property Custodian so far as based on performance before enactment of Trading with the Enemy Act, October 6, 1917 (Comp. St. 1918, Comp St. Ann. Supp. 1919, secs. 3115½a—3115½j), but not so far as based on continued performance thereafter, which was made unlawful by sec. 3, except under license from the President. Springer v. Garvan, 276 F. 595.

CONTRACTS.

A contract by parents, who were German subjects, made on leaving the United States before this country entered the war, for the care of their children, who were left in the United States, held valid and not abrogated by the subsequent declaration of war with Germany. Springer v. Garvan, 276 F. 595.

CORPORATIONS.

Though a foreign corporation, when it appoints an agent for service of process within the state as required by the state statute, takes the risk of the construction of such statute as authorizing service on the agent in any suit against the corporation, the appointment will not, unless the statute expressly or by local construction so provides, give jurisdiction in suits in respect to business transacted by the corporation elsewhere, and General Code Ohio, sec. 181, indicates that liability after such service is limited to suits because of transactions within the state, so that a district court in Ohio acquired no jurisdiction over a foreign corporation by service on the corporation's agent in a suit with respect to a contract made in Chicago and to be performed in Michigan, even, if after the service, the corporation filed the report required by section 5499, to enable it to reengage in business in Ohio, if so desired. Robert Mitchell Furniture Co. v. Selden Breck Const. Co., 42 S. Ct. 84.

A court is without control of the internal affairs of a corporation not chartered in the state where the court sits. Hanssen v. Pusey & Jones Co., 276 F. 296.

Comp. Laws Michigan, 1915, secs. 9063, 9068, 12370, providing that foreign corporations before doing business in the state shall comply with certain requirements, forbid recovery under a contract which contemplates that the foreign corporation shall perform its part within the state, though such corporation is not doing business in the state at the time of the making of the contract.

Where a foreign corporation entered into a contract with a Michigan company, whereby the domestic company was to manufacture brass parts for primers, which were to be completely assembled and loaded by the foreign corporation in Ontario, and then to be sold to another company, such foreign corporation was not "doing business" within the state, so as to require it to obtain a certificate under Comp. Laws Mich., 1915, secs. 9063, 9068, 12370, though it furnished an inspector or "production man" for the domestic company's plant, and its officers lived in Michigan and made executive decisions there. Michigan Lubricator Co. v. Ontario Cartridge Co., 275 F. 905.

The term "doing business", as used in Code Civ. Proc. California sec. 411, prescribing the manner of serving process upon foreign corporations, is used in its broad and popular acceptation of meaning, and signifies something more substantial than a mere single or isolated transaction arising under a mode of dealing calling for neither a place of business nor a local agent. Moore Dry Goods Co. v. Commercial Industrial Co., 276 F. 590.

Where foreign corporation did no business in the state, and had no property therein, and where the president while temporarily present in the state transacted no business for the corporation, the service of process on the president during such temporary presence was insufficient to give the court jurisdiction against such corporation. Zurich General Accident & Liability Ins. Co. v. Imperial Wheel Co., 277 F. 71.

Alabama.

Violation by a foreign corporation of Const. 1901, sec. 232 and Code 1907, sec. 3642, as to designation of agent and place of business, by doing business in the state with persons other than a buyer of goods from it, has no bearing on its right to sue him for the price, since such goods may have been shipped to him in interstate commerce. Leverett v. Garland Co., 90 So. 343.

Arizona.

Entering into one contract in the state does not constitute "carrying on or doing business therein" within the meaning of Civ. Code 1913, sec. 2226, requiring certain acts to be done before doing business in the state. Nicolai v. Sugarman Iron & Metal Co., 202 P. 1075.

To render a corporation amenable to service of process in a foreign jurisdiction, it must appear that the corporation is transacting business therein to such an extent as to subject it to the jurisdiction and the laws thereof.

In service of process on a foreign corporation, the person on whom process is served must be an agent of the corporation, representing it in the foreign jurisdiction in the transaction of its business. Banco de Sonora v. Morales, 203 P. 328.

Arkansas.

The interstate character of the transaction, whereby goods were shipped to the seller's order at the buyer's place of business in another state, was not altered by the fact that a merchandise broker, a resident of such state, became the seller's agent in negotiating a contract with the buyer to store the goods with the agent to be paid for in future, such agent being a party to the contract as pledgee for the benefit of the purchaser as well as the seller, which did not thereby subject itself to the requirements of the statutes of such state in regard to doing business there; neither the adjustment of the debt nor the maintenance of litigation to collect it constituting doing business within the state according to the meaning of the statute. Rose City Bottling Works v. Godchaux Sugars, 236 S. W. 825.

Idaho.

Contracts of foreign corporations doing business in the state, which have failed to comply with the laws as to doing business therein, are not void, but such corporations are under C. S. sec. 4475 deprived of remedy in the courts of the state to enforce them. Weber v. Pend D'Oreille Mining etc. Co. Ltd., 203 P. 891.

Kentucky.

A foreign corporation, which merely had assigned and transferred an oil lease in another state, did no business in the state, and it was unnecessary for it to file a statement with the secretary of state, designating an agent upon whom process could be executed in the state under Ky. St. sec. 571, unless it took some affirmative action by vendee of lessee to remove a cloud from title, that such statement had not been filed, noncompliance with the statute rendering transactions only voidable and not void. Great Western Petroleum Corporation v. Samson, 234 S. W. 727.

Missouri.

In Rev. St. 1919, sec. 2254, providing that "no foreign corporation shall act as trustee in any deed of trust or other conveyance", the words "or other conveyance" do not include a trust created by a will; such words having reference to conveyances similar to deeds of trust. State Sav. Loan & Trust Co. v. Swimmer, 236 S. W. 1057.

New York.

A foreign corporation, having no property, leasing no office, employing no salesmen, and having no resident manager or representative in the state, though allowed to have its name on the door of another corporation's office within the state, and to have a listing in the telephone book at that address, held not to be doing business within the state.

Director of foreign corporation, which was not doing business in the state, had no property within the state, and no officers or directors residing therein, could not properly be served with a summons and complaint while visiting within the state, on a cause of action not arising within the state. Sullivan v. Firth & Foster Co., 191 N. Y. S. 246.

Court had jurisdiction over a foreign corporation by service of process on sole person in charge of its office in New York, where orders were taken and transmitted to it at its principal place of business in another state, though the contracts of sale had to be approved at the principal place of business and remittances were made direct. Hall v. Weil-Kalter Mfg. Co., 191 N. Y. S. 884.

To warrant a finding that a foreign corporation was doing business in the state, so as to authorize service on an officer, regardless of whether he was in the state on its business at the time, the evidence must show the corporation was in the state not occasionally or casually, but with a fair measure of permanence and continuity. Seaboard Fruit Distributors v. Carlton-Moore Co., 192 N. Y. S. 82.

The Russian Socialist Federated Soviet Government held subject to suit as a foreign corporation, under Civ. Prac. Act., par. 7, subd. 7, defining as foreign all corporations not created by or under the laws of the state, or located in the state, or created by or under the laws of the United States or New York colonial laws.

A foreign corporation may be amenable to process in the state, though it cannot sue therein. Wulfsohn v. Russian Federated Soviet of Russia, 192 N. Y. S. 2825.

Activities within the state, sufficient to constitute doing business within it, so as to render a corporation amenable to process, may not amount to doing business, within General Corporation Law, secs. 15, 16, requiring a certificate of its right to do business as a condition to suing on a contract made therein.

A foreign corporation maintaining a sales office in the state by a general sales manager, who solicited orders for coal, which were transmitted to the home office, and, if approved, filled by shipments from its mine in another state, was not doing business in this state within General Corporation Law, secs. 15, 16, aforesaid.

A single ransaction within the state is insufficient to constitute "doing business"; but there must be a continuity of conduct, and an intent to establish or carry on and continue such business.

The word "action" in General Corporation Law, sec. 15, as aforesaid, includes a claim in the Court of Claims.

A foreign corporation, selling in this state coal shipped from its mine in another state, is engaged in "interstate commerce" so that said General Corporation Law, sec. 15 does not apply to it. Pittsburgh & Shawmut Coal Co. v. State, 192 N. Y. S. 310.

Jurisdiction was not acquired by personal service of process on officer of foreign corporation while he was in the state, not on business of the corporation, which was not doing business within the state. Stagg v. British Controlled Oilfields, 192 N. Y. S. 59 .

Texas.

The rules of comity, under which a corporation created in one state may secure a permit to transact business in other states, have the controlling force of legal obligations until modified by Legislature, and it is the duty of the courts to observe and enforce them until the sovereign otherwise directs; the comity involved being that of he state, not of the courts. Scharbauer v. Lampasas County, 235 S. W. 533.

Wisconsin.

Though the state courts will not assume to exercise visitorial powers over a foreign corporation, and, in absence of statutes, proceedings to forfeit a corporation franchise must be brought in the country or state in which the corporation was created, creditors and stockholders are not without remedy in the state for the fradulent conduct of officers, though it may interfere with the internal management of the corporation.

Under St. 1919, sec. 2619, subd. 6, the proper place of trial of an action against a foreign manufacturing corporation is the county where it has its principal office, or the county where the cause of action or some part thereof arose, and not in the county where it has its factory or the greater part of its property. State v. Circuit Court of Dodge County, 186 N. W. 732.

CUSTOMS DUTIES.

Dye and Chemical Control Act, May 27, 1921, tit. 5, extends a privilege to manufacturers of certain chemicals and their substitutes to have the importation of competing goods prohibited, and it was competent for Congress to fix the conditions under which the privilege should be enjoyed. Commercial Solvents Corporation v. Mellon, 277 F. 548.

Rev. St. sec. 3082 (Comp. St. sec. 5785), which makes it an offense to import merchandise "contrary to law", or to receive or conceal such merchandise after importation, knowing it to have been imported contrary to law, is general in its terms, and is not limited to cases of dutiable merchandise imported in violation of the customs laws, or to importations in violation of some law existing at the time of its enactment or its latest amendment; but the words "contrary to law" are to be given their natural and obvious meaning, and the statute applies to an importation in violation of any law in effect at the time of the alleged offense.

The provision of Rev. St. sec. 3082 aforesaid as applied to whiskey held not repealed or superseded by Act. August 10, 1917, sec. 15 (Comp. St. Ann. Supp. 1919, sec. 3115¼j), prhibiting the importation of distilled spirits, nor by Act, November 21, 1918, sec. 1 (Comp. St. Ann. Supp. 1919, sec. 3115 11-12gg), prohibiting the importation of intoxicating liquors during the continuance of the war, neither of which acts prohibits or penalizes the receiving or concealing of liquor imported in violation of its provisions. Goldberg v. U. S., 277 F. 211; Bank v. U. S., 277 F. 220; Weisman v. U. S., 277 F. 221.

Proceeding to forfeit vehicles used in the importation of liquor must be brought under National Prohibition Act, sec. 26, protecting a bona fide lienor, and cannot be brought under the customs laws permitting judgement of forfeiture invalidating bona fide lien; the National Prohibition Act having superseded the customs laws prohibiting the importation of liquor. U. S. v. One Paige Automobile 277 F. 524.

DEPOSITIONS.

Illinois.

Where dedimus to take depositions was to judicial official in town of M., Italy, but was taken by an official in the town of S., Italy, the failure to comply with he requirements of the dedimus make the depositions defective.

Section 18 of the schedule of the Constitution, requiring judicial proceedings to be in the English language, does not apply to depositions in a foreign language, which may be and are required to be translated into English, before the Industrial Commission, because they were in the Italian language. Ward Pump Co. v. Industrial Commission, 134 N. E. 127.

North Dakota.

Where defendant makes a general appearance, he waives the legal right to object to the reception in evidence of depositions on the ground that notice to take depositions was served before the summons, that the interpreter taking the depositions was prejudiced, and that the depositions were taken on a legal holiday; Comp. Laws 1913, sec. 7890 providing that either party may commence taking testimony by depositions at any time after service upon or appearance of defendant. Kennelly v. Northern Pacific Ry. Co., 186 N. W. 548.

DIVORCE.

Iowa.

A marriage in Iowa to a woman less than a year after the granting of an unconditional divorce in Illinois was valid, though it would have been absolutely void if entered into in Illinois. Webster v. Modern Woodmen of America, 186 N. W. 659.

New York.

Presumption of regularity accorded to foreign judgments of superior courts held to remove any doubt as to the regularity of a divorce judgment by the highest French court. Gould v. Gould, 192 N. Y. S. 572.

Foreign state divorce decree, based on service by mail on defendant in New York, held valid in New York; the state where the divorce was procured being the last matrimonial domicil of the parties, and such domicil not having been abandoned by plaintiff wife in coming to New York, with the intention of remaining only if defendant succeeded in getting work and providing a home for her and her children. Moody v. Soper, 191 N. Y. S. 425.

Utah.

The obligation under a decree to pay alimony for the benefit of the divorced wife and her children obligates the husband on his removal to another state, and may be there enforced. Roundy v. Roundy, 202 P. 211.

DOMICIL.

New York.

A widow in the absence of the adequate proof to the contrary, retains the last domicil of her husband. In re Gate's Estate, 191 N. Y. S. 757.

Every person must have a domicil somewhere, and can have only one domicil for one purpose at one and the same time.

Residence and intention are both necessary to create a change of domicil, and where one domiciled in Connecticut and moving to a point in New York a few miles distant intended to retain his Connecticut domicil, which intention was evidenced by acts, declarations and conduct with respect to voting, paying taxes, executing instruments, etc., there was no change of domicil, though he had lived at his new home in New York for over 20 years prior to his death.

"Domicil by operation of law" is that domicil which the law attributes to a person independent of his own intention, and is consequential and ordinarily results from domestic relations.

A removal of a person's family is not conclusive of a change of domicil when it is evident by unequivocal acts that the intention was not to make a change.

A deceased person's intention respecting a change of domicil is a question of fact which may be proved like any other fact by his acts, solemn statements and conduct.

Where the facts conflict, the presumption is strongly in favor of the original, as against an acquired domicil. In re Lyon's Estate, 191 N. Y. S. 260.

DRAFTS.

Indiana.

A telegraph company, in transferring money by wire, was

acting as a common carrier, and bound to use ordinary care; and if through want of such care it paid the money to an impostor, it was liable. That one delivering money to a telegraph company for transmission by wire executed an identification waiver, providing that the payee should not be required to produce positive evidence of personal identity, and that the company might pay the money to such person as its agent believed to be the payee, did not relieve the company from the exercise of reasonable care in identifying the person to whom the money should be paid or in arriving at a belief as to his identity; and if it paid the money to an impostor as a result of failure to exercise reasonable care, it was liable to the sender. Western Union Telegraph Co. v. Lapenna, 133 N. E. 144.

EVIDENCE.

New York.

The admission in evidence of a survey report filed with the clerk of the Court of Commerce of Brussels, in an action between plaintiff's principals and defendant involving the same subject matter as the present trial, where nothing showed that the Brussels court had acquired jurisdiction of the defendant, was error, regardless of a statement purported to be made by the American consul, stating that the document was an affidavit and conclusive before American courts of law. Broeniman Co. v. Liberty Export & Import Corporation, 191 N. Y. S. 429.

EXTRADITION.

The right of asylum pertaining to extradition from a foreign country under the Federal Constitution and the Laws of Congress does not obtain as between the states. Bramwell v. Owen, 276 F. 36.

FOREIGN EXCHANGE.

New York.

In an action to recover money deposited with a New York City banker for remittance to a Berlin bank of the equivalent sum in German marks, where defendant partially performed within the five days allowed by Banking Law, sec. 167, for making such remittances by transferring the marks to his Berlin correspondent and claimed to have made the remittance by letter to the specified bank, inclosing draft on the correspondent bank, shortly after the expiration of such five days, the court erred in excluding evidence that the first ship carrying mail to Germany after plaintiff's deposit sailed two days after the mailing of the letter or remittance.

In such case the plaintiff could not rescind and recover the amount deposited, but only damages for the breach, since restitution to plaintiff would not leave defendant in statu quo.

In such case, since defendant's performance within the five days would have been no more valuable than the performance he rendered as no ship carrying mail for Germany left after plaintiff's deposit until two days after the letter or remittance was mailed, plaintiff could recover only nominal damages for the delay in transmitting, as damages for breach are measured by the value of performance.

In such case, it appearing that defendant, after remitting failed to follow up his letter of remittance and ascertain whether it had been received by the designated bank, and did not learn of its non-arival until sued by the plaintiff for return of his deposit some three years after mailing the letter, at which time the value of the marks which plaintiff was entitled to have returned to him had fallen greatly, defendant was guilty of a breach of duty to use reasonable diligence in plaintiff's behalf, so that plaintiff was entitled to recover not the value of the marks as deteriorated when he made demand for return of his deposit, but their value as of the time when defendant could reasonably have ascertained whether the letter of remitance reached the designated bank. Sheibe v. Zaro, 192 N. Y. S. 433.

Wisconsin.

Where plaintiff's brother was told by express company's agent that the company would deilver the sum proposed to be transmitted abroad within 3 to 10 days, and, if not, would pay back the sum, and next day the plaintiff called at the express company's office and paid to it the sum for remittance this obligated the company to pay back the money if not delivered within ten days, although nothing was said at the time of the actual delivery of the money by plaintiff as to when the remittance should be delivered. Slivick v. American Express Co., 186 N. W. 185.

FOREIGN LAW

New York.

A defense that notes sued on were void in their inception, because executed in a foreign country, without affixing a tax stamp as required by the laws therof, will be disregarded, insofar as it sets forth the revenue law of such foreign country, as the courts of the state will not enforce the revenue laws of a foreign state or country. Beadall v. Moore, 191 N. Y. S. 826.

IMMIGRATION.

Immigration Act, February 5, 1917, sec. 19 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, sec. 4289¼jj) of which authorizes deportation of an alien who entered the United States in violation of any law of the United States, and expressly provided that it should be applicable to such aliens, irrespective of the time of heir entry, applies to Chinese who entered this country in violation of Chinese Exclusion Act, secs. 6, 7 (Comp. St. secs. 4308, 4320), though they entered before 1917, so that such persons can be deported after executive hearing under the Immigration Act, and are not entitled to the judicial hearing given by the Chinese Exclusion Law.

Where the testimony of two Chinese persons ordered to be deported that they were born in this country was not corroborated, and their testimony in other respects was contradicted by other witnesses, their testimony as to place of their birth need not be believed.

Under Chinese Exclusion Act, May 5, 1892, sec. 4 (Comp. St. sec. 4318), requiring any person of Chinese descent to be adjudged to be unlawfully within the United States, unless he establishes his right to remain, the burden is on Chinese persons to prove their right to remain, and they can be deported if they fail to sustain such burden. Sit Sing Kum v. U. S., 277 F. 191.

While the Commissioner of Immigration may make regulations to enforce the Immigration Act (Comp. St. 1918, Comp. St. Ann. Supp. 1919, sec. 4289¼ et seq.) it is not permissible for the department to make or proclaim regulations beyond the powers delegated to the Commissioner by section 23 (section 959). The Parthian, 276 F. 903.

In Immigration Act, February 5, 1917, sec. 3 (Comp. St. 1918, Comp St. Ann. Supp. 1919, sec. 4289¼b), excluding aliens coming to the United States under contract, agreement or inducement "to perform labor in this country of any kind, skilled or unskilled", the word "Labor" is to be construed in its generally undersood meaning as applying to manual labor.

An alien educated in a technical school as a marine engineer and trained and experienced in the designing of marine steam turbines who was induced to come to the United States to enter the employment of a shipbuilding company, where he was made a "class A draftsman", whose duty was to design machinery for vessels to conform to general plans and specifications for the particular vessel, and to direct the work of draftsmen under him, held a person "belonging to a recognised learned profession" within the exception in Immigration Act, February 5, 1917, sec. 3, and not subject to deportation as a contract laborer. Ex parte Aird, 276 F. 954.

Where an alien resident has been ordered deported to the country of which, as determined by the department, he is a native, an executive officer is without authority to amend the warrant by substituting a different country. Ex parte Mathews, 277 F. 857.

MARITIME LAW SECTION

UNITED STATES OF AMERICA.

Admiralty.

No suit to recover damages for the death of a human being caused by negligence can be maintained in the admiralty courts of the United States under the general maritime law, since such law applies the same rule for the sea which applied on land, and, at the common law no civil action would lie to recover such damages where death occurs on navigable waters from a maritime tort committed on such waters within a state whos statutes give a right of action for the death by wrongful act, admirality courts will entertain a libel in personam for the damages sustained by those to whom the right is given, since the subject is maritime and local in character, and a modification of the rule applied when following the common law does not materially prejudice the characteristic features of the general maritime law nor interfere with its uniformity. Western Fuel Co. v. Garcia, 42 S. Ct. 89.

The maritime law, however ancient its traditions, or however diverse the sources from which it has been drawn, derives its only power in this country from its having been accepted and adopted by the United States. U. S. v. Thompson, 42 S. Ct. 159.

In contract matters admirality jurisdiction depends upon

the nature of the transaction, and in tort matters upon the locality. Admiralty jurisdiction extends to a proceeding to recover damages resulting from a tort committed on a vessel in process of construction when lying in navigable waters within the state.

The local regulation of the rights and liabilities of employer and employee engaged in the construction of a ship which had been launched, so as to be within the jurisdiction of admiralty, does not destroy the proper harmony or uniformity of admiralty in its international or interstate relations, where the activities of the employee had no direct relation to navigation or commerce, and the parties had not consciously contracted with reference to the general system of maritime law. Grant Smith-Porter Ship Co. v. Rhode, 42 S. Ct. 257.

Neither the United States nor vessels in its hands and owned by it absolutely or pro hac vice are liable to be sued for maritime torts, and, though the vessels have been subsequently delivered to their owners or to the United States Shipping Board, liability to suit is not created by Act, September 7, 1916, sec. 9 (Comp. St. sec. 8146e), relative to the liability of vessels purchased, chartered, or leased from the Shipping Board while employed as merchant vessels, or Act, March 9, 1920, sec. 4, authorizing the United States to assume the defense of suits for alleged causes of action arising from the previous possession, ownership or operation of the vessel by the United States or the Shipping Board

As respects immunity from suit for collision, a steamship owned by the United States, held engaged in a public service, and not in ordinary merchandising, while being used by the War Department for transporting foodstuffs for the relief of the civilian population of Europe, though the food transported was to be paid for. U. S. v. Thompson, 42 S. Ct. 159.

The mere fact that a ship is involved, or that transactions in litigation relate to matters connected with or in which a ship may have been used, will not enable one to procure relief either originally in a court of admiralty or to set the same up as a defense in a cause properly pending therein. Andersen & Co. v. Susquehanna S. S. Co., 275 F. 989.

Where tort of owner of chartered vessel consisted of an order to master on land resulting in a deviation by ship, the injury being a breach of the cotract of carraige between shippers and charterer, the admiralty court has jurisdiction of a libel against such owner. The Poznan, 276 F. 418.

A court of admirality of the United States held to have jurisdiction of a suit in rem against a foreign vessel found within its jurisdiction for a collision which occurred in Portugese waters, but in an open roadstead largely used in world commerce, though the law of Portugal, while recognizing the liability of a vessel to a lien for a maritime tort arising from collision, provides for establishment of such liability primarily by a suit in personam against the owner or master. The West Cherow, 276 F. 585.

The courts of admirality are not courts of equity, but in respect to certain matters within their jurisdiction proceed according to the principles of equity. The Kalfarli, 277 F. 391.

A court of admirality has jurisdiction to determine whether the character of a foreign vessel, which was requisitioned by its own government during the term of the charter, has an equitable right against the owner to the portion of the amount paid by the government for the use of the vessel which exceeded the amount due under the charter, on the theory that the owner had been unjustly enriched to that extent. The Isle of Mull, 278 F. 131; The Frankmere, 278 F. 139.

A lien for a tort may attach to a vessel while in possession and control of and being operated by the government, and is enforceable on a return of the vessel to private ownership and control. The Pocahontas, 278 F. 214; The Newark, 278 F. 215.

Admirality may award, against a consignee who accepts cargo from a ship,, damages for any wrongful detention of it irrespective of whether the respondent was or was not an original party to the bill of lading, or other contract of carriage.

One who sells goods, and enters into a contract with a ship to load them on her, becomes bound to her for an undertaking maritime in its nature.

Where a foreign country purchased grain f. o. b. ship Baltimore, and notified sellers of its liability for demurrage if they did not load a ship chartered by it within a certain time, but the sellers never at any time made any agreement with the ship admiralty had no jurisdiction of a proceeding against the sellers to recover the demurrage paid. French Republic v. Fahey, 278 F. 947.

When a vessel has been launched and named, though not completed, she is a "ship", for the purpose of determining the jurisdiction of a court of admiralty in an action for a tort committed thereon.

In order to support jurisdiction in admiralty in the case of tort resulting in personal injury, it is not necessary that the injured person shall have a maritime contract with the owner or with the vessel; the jurisdiction depending entirely on locality. Hoof v. Pacific American Fisheries, 279 F. 367.

New York.

While a contract of employment may be maritime in character, a tort arising from the employer's violation of duty in connection with the contract is not necesserily a maritime tort. Newman v. Robins Dry Dock & Repair Co., 192 N. Y. S. 687.

Whatever is done to operate a ship,. to aid her physically in the performance of her mission, viz. to take or unload freight or passengers, and to preserve her while so doing, is a maritime service. Newham v. Chile Exploratioin Co., 232 N. Y. 37; 133 N. E. 120.

Alien Property Custodian.

Where a German vessel, interned in the Philippine Islands, was taken over by the United States Shipping Board, under authority of Joint Resolution of Congress of May 12, 1917, and a proclamation of the President of June 30, 1917, and thereafter, under Merchant Marine Act of June 5, 1921, was sold free and clear of all claims and liens, a prior admiralty lien of a national of an allied country was cut off by the sale, and the national was obliged to look to the United States for consideration of its claim; this being the intention of the law, and the law being valid as against the objection that the United States had no power, under international law, to seize the property or claim of a national of a friendly nation, without substituting some physical fund to which the claim might be transferred. The Nyanza, 276 F. 415.

Arbitration.

Laws New York, 1920, ch. 275 making arbitration agreements valid and enforceable, and authorizing the staying of legal proceedings pending arbitration, does not confer substantive right, but merely a remedy for the enforcement of the right created by the agreement of the parties, and therefor it cannot regulate the procedure and practice of the federal court of admirality. Atlantic Fruit Co. v. Red Cross Line, 276 F. 319.

Attachment

Louisiana.

A foreign ship within the state is subject to attachment by creditors of her owner, after he has transferred her at her home port and before the assignee has taken actual possession. Cottam & Co. v. Comision Reguladora del Mercado de Henequen, 90 So. 342.

Charters.

Ship and charterer were liable to shippers for pilfering from cargo while the ship was in charge of the marshal, where he was only in technical possession thereof.

Where a ship without excuse returned to port of shipment there was a total abandonment and deviation, even if the owner of the ship intended to transport the goods to port of discharge by another bottom.

Where cargo is lost or injured, the burden is on the ship to prove that the losses fall within exceptions limiting its liability found in the contract of carriage.

Until a deviation, liability of ship for loss or injury to cargo, is limited by the conditions in its contract of carriage, but after such deviation she becomes an insurer.

The words "civil commotion" and "disturbance" in a contract of carriage giving master right to discharge cargo at some other port than that of discharge in case of civil commotion, disturbance, etc.at the port of discharge, referred to political disorders which prevent a ship from safely approaching a port or from getting assistance in discharging the cargo.

An article in a contract of carriage, excusing failure to discharge cargo in case of "civil commotion, disturbance, blockade, or interdict of the port of discharge, warlike or naval operations or demonstrations, or ice or closure by ice or other circumstances (whether existing or anticipated)", did not excuse a failure to discharge occassioned by congestion, due to deficiency of wharves, warehouses or lighters.

Owner of chartered ship, who tortiously causes its deviation and breach of contract of carriage between charterer and shippers is liable only for the proximate consequences of its tort, and if the ship at the time could not have made right delivery at port of discharge or some other proper port under the contract, the tort did not injure shippers, and their

relief can then rest only in contract, but if the ship could have delivered, the consequence of the order is the shippers' loss in getting delivery at port of shipment as against delivery at port of discharge.

Where a ship breaches its contract to discharge cargo at port of discharge and returns to port of shipment, the measure of damages to shipper is the difference in value of the goods at port of discharge, delivered at a reasonable time after the ship arrived there, and their value in port of shipment when delivered, and this may or may not correspond with the cost of carriage from port of shipment to port of discharge, what is a reasonable time for delivery depends upon when with reasonable efforts the ship could have discharged. The Poznan, 276 F. 418.

Where the parties to a charter party, covering a voyage from Secondee or Axim, Africa, contemplated that, before entering on such service the vessel was to carry a cargo from Gulfport, Mississippi to Durban, Africa, and no definite time was fixed for its arrival at Secondee or Axim, held that the vessel was not unreasonably delayed in arriving at the loading point by going to Delagoa Bay for a cargo and carrying it to Lobita and there taking on a cargo for St. Thome, where it was customary and safer for vessels to go from the west to the east coast with cargo instead of in ballast and enabled them to make better time, and it would have taken a longer time to get sufficient ballast at Durban than was consumed in going to Delagoa Bay, especially as the character was not ready to specify a loading port until the vessel left Lobita. The Rosemary, 277 F. 674.

The requisition of a chartered vessel by its government frustrates the charter if the requisition is for a definite period extending beyond the term of the charter, or if it is indefinite, but the circumstances indicate it will probably extend beyond the term of the charter, though a requisition for a period of less than the term of the charter merely suspends the charter during the period of the requisition.

Where a British vessel under charter to an American corporation which would expire in 1918, was requisitioned by the British government in 1915, at a time when it was obvious the war would continue until the military exhaustion of one side, and that Great Britain would need to mobilize her entire shipping to meet the losses occassioned by submarines, the circumstances indicated that the use of the vessel would probably continue, as it did, until after the term of the charter had expired, so that the charter was frustrated, and the character cannot recover from the owner the amount received from the British Government in excess of the charter hire. The Frankmere, 278 F. 139.

A proposed charter, on which was stamped provisions making it subject to approval by the British authorities, and not binding on owners until notice of such approval, and providing that the charterers must sign and abide by the British bunker rules before it would become effective, was a charter party, and not an agreement to make one, and bound the charterers to sign such rules, and was broken by their failure to do so.

Where a charter required the charterer to sign and abide by the British bunker rules, and the facts surrounding a delay while the owner was urging the charterer to sign, and the owner's effort to induce it to sign the rules, showed that the vessel would have been at the charterers disposal, if it had carried its obligation to sign the rules, a useless tender was not required. Anderson & Co. v. Teras Co.,279 F. 76.

Collision.

Sounding signal in fog indicating the vessel had stopped, when still making considerable headway, in violation of International Rules, art. 15 (Comp. St. sec. 7853), held to render the vessel at fault in absence of a showing that such fault could not have been one of the collision causes; the vessel having the burden of showing not merely that such fault might not have been one of the collision causes, but that it could not have been. The Ansaldo Savoia, 276 F. 719.

When two steam vessels are crossing so as to involve risk of collision, it is not only the right, but the duty of the privileged vessel, under Pilot rules, art. 19, to hold her course and speed until a departure from the rule is necessary to avoid immediate danger, and the fact that subsequent events show that stopping and backing on the part of the privileged vessel would have avoided collision does not prove negligence.

Where privileged vessel under said art. 19 giving a steam vessel to the starboard of another the right of way, assents to proposal of the other to cross her bow by repeating two whistles, it is her duty to at once assist the maneuver. The Boston, 277 F. 36.

The obligation of diligence on a steamer which is approaching a schooner to avoid collision is very great, and the higher the speed the greater the care required.

In determining the liability for a collision between a steamship and a schooner it is unnecessary to determine just what were the positions of the two vessels prior to the collision, since, whatever their courses, it was the steamer's duty to keep out of the way, if the lights of the schooner could be seen and the schooner's duty to maintain its course and speed.

If the red light of a schooner complied with the statutory requirement that it should be visible for two miles, it was sufficient though the evidence showed the position of the light and the lens were not properly adjusted to give the best results. The Creole, 277 F. 119.

A lighter tied up in a position, which obstructs navigation in a slip, cannot insist that all navigation cease until the lighter is removed.

Where a lighter was moored at the entrance to a slip in such a position as practically to obstruct navigation by an incoming steamer, and refused to move unless a tug was furnished to take her where she desired to go, the steamer was not at fault for striking against the lighter so gently as not to injure the hull, in an effert to push her to one side.

A vessel, even while obstructing navigation, does not for the purposes of civil suit become an outlaw, but other vessels must exercise care for her safety according to the circumstances; but the duty to exercise such care does not require insuring the safety of the obstructing vessel, and the carelessness or obstinacy of her navigators is a circumstance to be considered in determining such care. The Lady of Gape, 276 F. 900.

A wholly disabled steamer, being brought into slip by tugs, is not responsible for collision with a moored vessel.

Liability for such collision attaches to the company having in charge, the berthing of the disabled steamer where no special fault can be found with the tugs employed. The Ascutney, 277 F. 242.

A vessel, which had started in the rear of a large convoy, and which at the time of the collision had come up nearly, if not quite, abeam of the vessel ahead, was an overtaking vessel, bound to observe the course of the other, and to keep away from it, and her lookout was under the duty to keep the other vessel under vigilant observation for every appearance of unsafe approach.

Where a large number of vessels were travelling at night, without lights in a convoy, in which each had been assigned its place and given the same course and speed, it was a fault for a vessel in the rear to attempt to pass a vessel ahead, except for cogent and special reasons, and the vessel ahead held at fault for deviation of her course from that fixed for the convoy. The War Pointer, 277 F. 718.

A vessel drifting from her moorings is liable for damages consequent thereon, unless she can affirmatively show that the drifting was the result of an inevitable accident or vis major, which human skill and precaution and the proper display of nautical skill could not have prevented. Pennsylvania R. Co. v. James McWilliams Towing Line, 277 F. 798.

Judgment.

Louisiana.

A constructive or fictitious seizure by the Mexican Government under process authorized by its laws of a vessel which was then in a Loisiana port gives that Government no greater right than would a constructive seizure levied on a final judgment of a Mexican court, and therefor does not give that government a right to the vessel superior to the rights of domestic creditors, who attempted to take the vessel in the domestic port before the Mexican government took possesion of it though after it had ample time to do so.

The rule, that the courts of this country cannot inquire into the sufficiency or legal effect of proceedings on behalf of the Mexican government in that country, does not require the courts of the state to give extraterritorial effect to such proceedings by requiring a constructive seizure thereby of a foreign vessel which at the time was in a port of the state. Cottam & Co. v. Comision Reguladora del Marcado de Henequen, 90 So. 392.

Parties.

Libel by the Russian Socialist Federated Soviet Republic and its agent and representative, which failed to allege that such republic had ever been recognized as a sovereign state by the United States or that such agent had ever been recognized as an agent or representative of such republic, held properly dismissed. The Pensa, 277 F. 91.

A steamship owned and operated by the Italian government, but employed as an ordinary merchant vessel in carrying passengers and cargo for hire, held not immune from arrest on process from the admiralty courts of the United States, especially in view of the fact that she was not entitled to such immunity in the courts of Italy, and in the absence of any request for exemption through the official channels of the United States. The Pesaro, 277 F. 473.

Restraint of Princes.

Shipowner was relieved of his obligations under contracts of affreightment, providing that carrier should not be liable for loss occasioned by restraint of princes, etc., where the ships were comandeered by the government in time of war. Vacuum Oil Co. v. Luckenbach S. S. Co., 275 F. 998.

A steamship bound for Copenhagen, with contrabrand cargo on board was seized and taken to British port, where the contrabrand was found, but was allowed to proceed to deliver her passengers and other cargo on an agreement by the agent of the steamship company to return the contrabrand cargo to England. On arrival at Copenhagen, she refused to deliver such cargo to the consignee and returned it to England on another vessel, where it was condemned by the prize court. Held, that in so carrying such cargo from and back to a British port, the company acted as agent of the British government, which did not lose its possession, and that the failure to make delivery to the consignee was due to restraint of princes within the exception of the bills of lading. The Hellig Olav, 276 F. 556.

Salvage.

Where the services of a salvor vessel have been accepted and she is able and willing to do everything that is necessary to complete the salvage, but is dismissed or superseded for reasons of convenience or economy on the part of the vessel in distress, the services rendered are salvage services and should be rewarded to the same extent and in the same degree as though the service was completed, having regard to the risks actually encountered and to the time and expense incurred. Libelant's steamship M. B., while on a transatlantic voyage and during a severe storm, in response to a wireless call went to the assistance of the steamship D. C., which was wholly disabled. She was requested to stand by and tow the D. C. to the Azores, when the weather permitted. After waiting two days, during which attempts at towing were defeated by the storm and when the weather had moderated and she was about to start towing, she was dismissed by the D. C. on instructions from the owner, which had sent another vessel to her relief. The M. B. was delayed in her voyage two days, and if she had completed the towage she would have been delayed eight days. Held that her service was one of salvage and that she should receive one-fourth of the salvage award to which she would have been entitled if she had completed the service, in addition to payment for the time lost and the expense incurred.

The use of the wireless makes it improbable that, under ordinary conditions of distress or damage to ship machinery, help may not be had before serious danger is encountered, and this fact should be taken into consideration in fixing salvage awards. The Manchester Brigade, 276 F. 410.

Where a steamship, while at a point in the open sea about 151 miles from San Blas and 243 miles from Manzanillo, which was directly in the path of the two vessels en route between the United States ports and the Canal Zone, was unable to proceed because the boilers failed entirely, and had to be towed into port by another steamship, the service rendered was a salvage service, although of low order. U. S. v. Nelson. 276 F. 706.

Seamen.

In an action by a seaman of a vessel of the United States for an injury received in a foreign port, while in performance of his duties on board, through alleged negligence in the management of the ship, is governed by the law of the United States and not that of the port. Wenzler v. Robin Line S. S. Co., 277 F. 812.

The contract of natives of India, who are signed in that country as seamen on a British ship, is governed by British law. The City of Norwich, 279 F. 687.

Shipping.

Under immigration act, February 5, 1917, sec. 10 (Comp. St. 1918, Comp. St. Ann. Supp. 1919, sec. 4289¼ee), imposing a penalty on steamship owners etc., failing to prevent the landing of an alien at any time or place other than as designated by the immigration officers, such penalty is not recoverable without proof that the alien has landed, or proof that the steamship officers have failed to produce the alien at the immigration station within the time ordered by the inspector, the burden being on the government to show that the alien has landed contrary to the statute and the instructions of the immigration officers. The Parthian, 276 F. 903.

A ship of United States registry, licensed only for coastwise business, which loaded cargo at New York for Mediterranean ports, held unseaworthy for the voyage, and the owner not entitled to any of the exemptions from liability provided by Harter Act, sec. 3 (Comp. St. sec. 8031). The St. Paul, 277 F. 99.

A contract made in 1916 by defendant to carry plaintiff's output of sugar from Porto Rico to New York for a term of five years, beginning in 1917, provided that, "if by reason of force majeure either of the parties are unable to carry out this agreement in whole or in part, such inability by either party will not subject such party to any claims for damages, nor will such inability void this agreement. In 1917 defendant's vessels were requisioned by the government for war purposes and were held for about two years, when they were returned. Held, that defendant was not relieved from performance by the fact of said requisition and that such temporary inability to perform did not terminate the contract nor relieve defendant from the obligation to perform it during the remainder of the term. Societe Anonyme des Sucreries de Saint Jean v. Bull Insular Line, 276 F. 783.

Libelant. an exporter of grain, contracted with respondent for cargo space of wheat on a designated steamship sailing from Baltimore to Hamburg, but before doing so, in accordance with the custom of the trade, contracted for the sale of the grain in Hamburg to arrive by such steamer. Respondent desired to substitute another vessel, but the Hamburg buyer refused to consent, except at a stated reduction in the price of the grain, and as the respondent would not agree to stand the loss and refused to accept the shipment on the vessel named, libelant sold the grain in Baltimore and brought suit for breach of the contract. Held, that its damages recoverable were limited to the amount it would have lost if it had shipped by the other vessel and accepted the reduced price. The Manhattan, 276 F. 823.

The provisions of Seamen's Act, March 4, 1911, par. 13 (Comp. St. par. 863a), that no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes, and except as provided in section 1 of this act (section 8306), shall be permitted to depart from any port of the United States unless she has on board a crew having certain qualifications, held not to apply to foreign vessels.

The proviso to Rev. St. par. 4488, added by amendment by Seamen's Act, March 4, 1915, par. 14 (Comp. St. par. 8258), "that foreign vessels, leaving ports of the United States, shall comply with the rules herein prescribed as to life saving appliances, their equipment and the manning of same", applies only to such foreign vessels as are subject to the operation of the original section, as defined in Rev. St. par.4400 (Comp. St. par. 8152). "Coastwise seagoing steam vessels", required by Rev. St. par. 4401 (Comp. St. par. 8153), to have a licensed pilot, are vessels engaged in the domestic trade or plying between port and port of the same country, as distinguished from those engaged in foreign trade, and the provision does not apply to foreign ships.

The owner of a foreign vessel may limit his liability under Rev. St. pars. 4283-4285 (Comp. St. pars. 8021-8023). Rev. St. par. 4493 (Comp. St. par. 8269), providing that vessels and owners shall be liable to passengers for their effects caused by failure to comply with statutory requirements to the full extent of the injury, is supplementary to section 4283 (Comp. St. par. 8021), which declares the basic law of liability for damage coming within the provisions of section 4493 cannot be limited either by owners of domestic vessels or of foreign vessels invoking limitation of liability under section 4283.

Failure to comply with International Navigation Rules (Comp. St. par. 7834 et seq.) does not subject shipowner to unlimited liability damage to passengers or their effects, under Rev. St. par. 4493 (Comp. St. par. 8269), which deprives such owner of the right to limit the liability for such damage only when "it happens through any neglect or fail ure to comply with the provisions of this title", of which the navigation rules are not a part.

An unexpired certificate of inspection by Canadian authorities held by a Canadian steamship at the time of her sinking, and a United States certificate issued persuant to Rev. St. par. 4400 as amended (Comp. St. par. 8152), held to establish that she was properly equipped. Petition of the Canadian Pacific Ry. Co., 278 F. 180.

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